



CITY COUNCIL

Meeting Agenda

***REGULAR MEETING
COUNCIL CHAMBERS***

***MONDAY, JULY 23, 2007
7:00 P.M.***

OPENING MATTERS

CALL TO ORDER

INVOCATION: Pastor Franz Santiago, Hopewell Mennonite Church.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS AND PRESENTATIONS

Council Commendations:

Commending Louise Brown, from Wood to Wonderful, Inc., on her receiving the 2007 Cable's Leaders in Learning Award.

Mayoral Proclamations:

PUBLIC COMMENT – AGENDA MATTERS:

Citizens have the opportunity to address the Council, by registering with the City Clerk before the start of the meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or who shall become unruly while addressing Council may be called to order by the Presiding Officer, and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.

All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to

order. Those commenting on an agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes.

No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's presentation. Citizens may not ask questions of Council member or other elected or public official in attendance.

APPROVAL OF AGENDA AND MINUTES

2. **AGENDA:** Council Meeting of July 23, 2007.

3. **MINUTES:** Council Meeting of July 09, 2007.

4. CONSENT AGENDA

Resolution- authorizing the Mayor to file an application with the Redevelopment Assistance Capital Program in the amount of \$6.5 million dollars for the Goggle Works Apartments. **(Community Development)**

Resolution- authorizing the Mayor to file an application with the Redevelopment Assistance Capital Program in the amount of \$4.6 million dollars for the "Reading Theater" project. **(Community Development)**

5. ADMINISTRATIVE REPORTS

6. FINANCE REPORT

7. REPORT FROM OFFICE OF THE AUDITOR

8. REPORTS FROM DIRECTORS & BOARDS AUTHORITIES AND COMMISSIONS

9. ORDINANCES FOR FINAL PASSAGE

Tabled Pending Further Discussion:

Bill No. 16- amending the City of Reading Codified Ordinances by regulating advertisements for the sale of real estate in the City of Reading. **(Waltman/Goodman-Hinnershitz)** *Introduced and tabled at the 03/12/07 meeting of Council.*

Bill No. 22- amending Chapter 20, Part 1 Solid Waste, of the City of Reading Codified Ordinances. **(Managing Director)** *Introduced at the 03/12/07 meeting of Council; tabled at the 03/26/07 and 04/09/07 meeting of Council; discussed at the 04/16/07 Work Session; will remain tabled pending a public meeting.*

Bill No. 31- amending the City of Reading Codified Ordinances, by amending Chapter 11 Housing, Part 1 Rental Occupancy Permits, Section 102 Definitions and Section 103 Permits Required. **(Spencer)** *Introduced at the 04/09/07 meeting of Council; discussed during*

Bill No. 28- amending Chapter 11, Housing, of the City of Reading Codified Ordinances. **(Managing Director/Solicitor)** *Introduced at the 03/12/07 meeting of Council; tabled at the 03/26/07 meeting of Council; discussed by Council between March and July and reviewed by committees comprising citizens, members of Council and relevant administrative departments.*

Bill No. 40- conveying, for \$1,000.00, a parcel known as the Chester Street Lot to Mr. John Weidner. **(Public Works Committee/Council Staff)** *Introduced at the 05/14/07 meeting of Council; discussed and endorsed at the 04/16/07 Public Works Committee meeting; tabled at the 05/29/07 meeting of Council; discussed and tabled at the 06/11/07 meeting of Council pending amendment to the proposed contract; reviewed at the 07/16/07 Public Works Committee meeting.*

Bill No. 58- amending Chapter 1 of the City of Reading Codified Ordinances, Charter Board Ordinance, Section 599.25: Enforcement, Violations and Penalties. **(Council Staff/Solicitor)** *Introduced at the 07/09/07 meeting of Council.*

Bill No. 59- placing a referendum question before City voters on the 2007 General Election ballot which, would amend the City of Reading Home Rule Charter by changing the date for the presentation of the annual budget. **(Council Staff/Solicitor)** *Introduced at the 07/09/07 meeting of Council.*

Bill No. 60- placing a referendum question before City voters on the 2007 General Election ballot which, would amend the City of Reading Home Rule Charter by removing the relationship between the salary of the Mayor and City Auditor. **(Council Staff/Solicitor)** *Introduced at the 07/09/07 meeting of Council.*

10. INTRODUCTION OF NEW ORDINANCES

Ordinance- establishing the process by which the provisions of the Housing Ordinance will be implemented. **(Arrived at through collaborative efforts of Council Staff, the Solicitor's Office, Codes Division, Zoning and the Managing Directors Office)**

Ordinance- amending the current agreement between the City of Reading and Citizens Bank of Pennsylvania. **(Solicitor/Council Staff)**

Ordinance- amending the City of Reading Codified Ordinances by adding Part 17 to Chapter 10, Health and Safety, which adopts regulations governing Sidewalk Vending **(Endorsed by the Public Safety Committee)**

11. RESOLUTIONS

Resolution- appointing Joe Kuzminski to the Reading Area Water Authority. ***Tabled at the 07/09/07 meeting of Council.***

Resolution- transferring a total of \$3.485 million dollars in Section 108 funds, from Our City Reading Inc., to Sunrich Foods Inc. and Hydrojet Inc, to effectuate the purchase of machinery. **(Community Development) *Tabled at the 07/09/07 meeting of Council.***

Resolution- directing the Administration to provide proper notification to Council in the event of major police and fire incidents. **(Marmarou)**

Resolution- authorizing the City to intervene in the matter of Bruto v. City of Reading Zoning Hearing Board. **(Council Staff)**

Resolution- requesting the installation of street lights in the 400 block of Funston Avenue. **(Fuhs)**

PUBLIC COMMENT - GENERAL MATTERS
COUNCIL BUSINESS / COMMENTS
COUNCIL MEETING SCHEDULE

Committee of the Whole-Mon, July 23rd, Council Offices 5:00p.m.

Regular Meeting-Mon, July 23rd, Council Chambers 7:00p.m.

Meeting with the Mayor- Wed, July 25th, Mayor's Office 4:00p.m.

*Public Hearing to discuss the proposed Solid Waste Ordinance- Wed,
August 1st, Schmidt Technology Center 6:00p.m.*

Finance Committee-Mon, August 6th, Council Office 5:00p.m.

*Administrative Oversight Committee- Mon, August 6th, Council Office
5:00p.m.*

Committee of the Whole- Mon, August 13th, Council Office 5:00p.m.

Regular Meeting- Mon, August 13th, Council Chambers 7:00p.m.

RESOLUTION NO. _____

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the acquisition and redevelopment of a certain area situate in the vicinity of Second and Washington Streets, Reading, Berks County, Pennsylvania, and known as the "Goggle Works Apartments" project, as eligible for such "RACP" assistance; and

WHEREAS, the "Goggle Works Apartments" project of Goggle Works Apartments, LLC, a subsidiary of Our City Reading, Inc., will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact therein.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Mayor of the City of Reading is authorized to file an application for "RACP" funds in the amount of \$6.5 million (\$6,500,000.00) for the "Goggle Works Apartments" project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania.

Adopted by Council _____, 2007

President of Council

Attest:

City Clerk

RESOLUTION NO. _____

WHEREAS, the Pennsylvania Capital Facilities Debt Enabling Act authorizes funding for eligible economic development capital projects through the Redevelopment Assistance Capital Program ("RACP"); and

WHEREAS, the City of Reading has identified the acquisition and redevelopment of a certain area situate in the vicinity of Second and Washington Streets, Reading, Berks County, Pennsylvania, and known as the "Reading Theatre" project, as eligible for such "RACP" assistance; and

WHEREAS, the "Reading Theatre" project of Reading Theatre, LLC, a subsidiary of Our City Reading, Inc., will provide employment opportunities, promote economic development in the City of Reading and have a regional, multi-jurisdictional impact therein.

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Mayor of the City of Reading is authorized to file an application for "RACP" funds in the amount of \$4.6 million (\$4,600,000.00) for the "Reading Theatre" project and to execute any and all necessary documents and to carry out all procedures as required by the Commonwealth of Pennsylvania.

Adopted by Council _____, 2007

President of Council

Attest:

City Clerk

BILL NO. _____ 2007
A N O R D I N A N C E

**AN ORDINANCE AMENDING THE CITY OF READING CODIFIED
ORDINANCES CHAPTER 11 - HOUSING**

THE CITY OF READING CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Chapter 11 Housing of the City of Reading Codified Ordinances is hereby amended as follows.

Chapter 11 Housing is renamed to Chapter 11 Housing – Rental

§ 11-101 PURPOSE

The purpose of this ordinance and the policy of the City of Reading shall be to protect and promote the public health, safety and welfare of its citizens, to establish rights and obligations of owners and occupants relating to residential rental units in the City and to encourage owners and occupants to maintain and improve the quality of rental housing within the community. As a means to these ends, this ordinance provides for a systematic inspection program, registration and licensing of residential rental units, and penalties.

In considering the adoption of this ordinance, the City makes the following findings:

1. There is a growing concern in the community with the general decline in the physical condition of residential rental units;
2. City records indicate there is a greater incidence of problems with the maintenance and upkeep of residential properties which are not owner occupied as compared to those that are owner occupied;

3. City records indicate there are a greater number of disturbances at residential rental units than all other properties combined; and

4. City records indicate that violations of the various codes are generally less severe at owner-occupied units as compared to residential rental units.

§ 11-102 DEFINITIONS

As used in this Chapter, certain terms are defined as follows:

BUSINESS PRIVILEGE LICENSE – a license issued by the City of Reading Tax Division per City of Reading Codified Ordinance Chapter 24 Taxation, Special Part 5 Business Privilege Tax authorizing one to perform business including for purposes of this Ordinance renting.

BUSINESS PRIVILEGE TAX – the tax payable to the City of Reading Division of Tax per City of Reading Codified Ordinance Chapter 24 Taxation, Special Part 5 Business Privilege Tax on, for purposes of this Ordinance, the annual gross receipts derived from rental of a property or unit.

CAPACITY TO RENT - any dwelling unit that is fit for habitation by humans as determinable by applicable Building and Property Maintenance Codes [Chapter 5, Part 6], and is not the owner's primary residence and as is permitted by the City of Reading Zoning Ordinance.

CODES - any State or local code or ordinance adopted, enacted or in effect in and for the City of Reading including, but not limited to, the International / City of Reading Building Code, Existing Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and Residential Code, and City of Reading Property Maintenance Code, Zoning Ordinance, Recycling and Solid Waste Ordinance, and general nuisance ordinances.

CODES ENFORCEMENT DIVISION – A division of the City of Reading Administration under the Managing Director charged with enforcing the City of Reading Codified Ordinances governing issues including but not limited, housing, property maintenance and trades.

CODES OFFICIAL – a City of Reading employee or authorized agent sworn to enforce the City of Reading Codes and Codified Ordinances.

DISRUPTIVE CONDUCT - any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous, or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises, or causes damage to said premises such that a report is made to a police officer and/or a public officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct, as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a public officer or a police officer shall investigate and make a determination that such did occur, and keep written records, including a disruptive conduct report, of such occurrences. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences, in writing.

DISRUPTIVE CONDUCT REPORT - a written report of disruptive conduct on a form to be prescribed therefor to be completed by a police officer or a public officer, as the case may be, who actually investigates an alleged incident of disruptive conduct and which shall be maintained by the Department of Police and Codes Enforcement Division.

DWELLING UNIT - a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

HABITABILITY- any rental unit, building or dwelling that is suitable for human habitation and that is sanitary and free of vermin infestation and is in compliance with all City of Reading health and code regulations and Codified Ordinances.

HOTEL UNIT - any room or group of rooms located within a hotel or motel forming a single habitable unit used or intended to be used for living and sleeping only on a transient basis for a period of less than 30 days.

LOCAL RESPONSIBLE AGENT – a person or agency retained or hired by a property owner to operate rental of a premise including but not limited to compliance with City of Reading Codified Ordinances and as a local contact.

MULTIPLE DWELLING UNIT - any dwelling containing two or more dwelling units.

OCCUPANT / TENANT – A person renting or letting a rental unit from the owner thereof.

OWNER - any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - any individual, firm, corporation, association, partnership or entity.

PUBLIC OFFICER - anyone authorized to enforce the City of Reading Codified Ordinances.

QUALITY OF LIFE - issues affecting the manner in which one lives or resides and habitability of a premise as governed by the City of Reading Codified Ordinances.

RENTAL UNIT - a rooming unit or a dwelling unit let for rent, or an other-than owner-occupied unit. A rental unit shall not include a hotel unit. A rental unit includes dwelling units under lease-purchase agreements, or long-term (greater than 6 months) agreements of sale.

RESTITUTION - for the purposes of this Chapter restitution shall be the amount of the fee due for obtaining of the Rental Permit.

ROOMING HOUSE - a building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one or two family dwelling.

SALES AGREEMENT - An contract for the sale of real estate, including a contract for a deed.

TWELVE (12) MONTH PERIOD - for purposes of this ordinance twelve (12) month period shall be calculated by counting twelve (12) months back from the most recent disruptive conduct report.

ZONING - City of Reading Zoning Ordinance.

ZONING PERMIT - A permit issued by the City of Reading Zoning Division per the City of Reading Zoning Ordinance authorizing and/or registering a unit as a rental.

§ 11-103 PERMIT REQUIRED

No person shall let, rent or cause to be occupied any rental unit, building, dwelling or dwelling unit, nor shall any person operate a rooming house, or let to another for occupancy, any room in a rooming house that provides shelter or lodging

suitable for human habitation unless that person first applies for, renews and obtains a permit issued by the City of Reading Codes Enforcement Division per the procedure established by this Code and policies created thereunder. Occupancy of a dwelling unit or rooming unit is precluded until a Rental Permit has been issued.

§11-104 APPLICATION FOR PERMIT

Applications for and registration of a rental permit for a dwelling unit or a rooming unit shall be made in writing on forms prepared and provided by the City of Reading Codes Enforcement Division and shall be accompanied by payment of the applicable permit fee. Such forms shall require, but not shall not be limited to, the following information and shall be signed and sworn to by the owner of such dwelling unit or rooming unit:

1. The name(s), home and business addresses, date of birth and telephone numbers, business, home and cell of all of the owners of the dwelling unit or rooming unit. If the owner is a corporation or partnership, a true and correct copy of the Articles of Incorporation or Partnership Agreement shall be provided in conjunction with a document identifying the officers of the corporation or the partners of the partnership.
2. The name, home and business address, date of birth and telephone numbers, business, home and cell, of the responsible local agent as required by this Ordinance.
3. The owner(s) and responsible local agent shall submit as proof of identification a government issued identification card. The proof of identification shall be presented to the Codes Enforcement Division with the application for photocopying and attachment thereto. Where the owner is a corporation or partnership, proof of identification of at least one of the officer of the corporation or partnership must be presented by said individual.
4. The address of the premises at which the dwelling unit or rooming unit is located.
5. Identification of the unit as a dwelling unit or rooming unit.
6. The number of dwelling units or rooming units located on the premises at which the dwelling unit or rooming unit is located.

7. A copy of Zoning Permit authorizing or registering the dwelling unit or rooming unit as a rental unit attached. If the dwelling unit or rooming unit contains more than one unit, then the Zoning Permit attached shall indicate the authorized number of units. If the dwelling unit or rooming unit has been certified as a non-conforming use per the City of Reading Zoning Ordinance and applicable state law, then a copy of the Certificate of Non-Conforming Use shall be attached.
8. A copy of the Business Privilege License under which the owner will be renting the dwelling unit or rooming unit and reporting gross receipts therefrom under.
9. Proof of a valid contract with a trash hauler licensed by the state for trash removal / collection from the property address including the name, address and telephone number of the trash hauler. Alternatively, proof of participation of the dwelling unit or rooming unit on the City of Reading trash collection program.
10. Proof of participation of the property address on the City of Reading recycling program.
11. A copy of the written lease form the owner intends to have the occupants / tenants of each permitted dwelling unit or rooming unit to execute with a copy of the Addendum required herein attached thereto.
12. The owner shall furnish with the application for rental permit a photograph of the front and rear exterior of the structure, building or address for which a permit is requested. If there are changes to the floor plan, the owner shall submit a drawn to scale revised floor plan with the application first submitted after the changes to the floor plan were made accompanied by copies of all valid permits as required for such revisions.
13. The owner shall submit proof of insurance from an insurer licensed by the Commonwealth of Pennsylvania exhibiting the ability and responsibility to respond to damages for liability on account of damage sustained to the property arising out of including but not limited to fire or poor maintenance of the premises in the amount of \$ 50,000 for a single family structure and in the amount of \$15,000 per unit for a rental unit containing more

than one unit, e.g., an apartment building or a structure in which is located more than one commercial or residential unit.

14. Confirmation to the satisfaction of the Codes Enforcement Division that the property of the rental unit is current on all City of Reading taxes, fees and municipal utility charges.
15. A completed Tenant Listing on a form prepared and provided by the Codes Enforcement Division providing the following information of all persons occupying the structure for which the permit is sought, including children under 18 years of age, full name, date of birth, unit, apartment or floor number / designation (where applicable), and term of lease including date of entry and departure. If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Codes Enforcement Division with such information and documentation to support such belief as may be reasonably required by the Codes Enforcement Division, shall disclosure shall not be required. If the unit is not rented at the time of application, the owner shall submit the tenant listing as prescribed above within thirty (30) days of occupancy of the unit and in no event later than the next bi-annual date for such submission as required by this Ordinance.
16. The date of the last inspection of the premises, structure, building or unit with confirmation thereof by the Codes Enforcement Division.
17. A place to indicate approval or denial of the application and date thereof as well as and location for print name, signature and title of person approving or denying the application.

§11-105 RENEWAL OF RENTAL PERMIT

It shall be the responsibility of the owner of the dwelling unit or rooming unit to request and submit an application for renewal of a Rental Permit. The owner of every dwelling unit or rooming unit must renew his/her Rental Permit for each such dwelling unit or rooming unit each year by the first of March. An application for renewal of Rental Permit with the requisite fees may be submitted between January 1 and February 28 of each year. All renewal applications received after the first of March of each year shall be subject to revocation of the Rental Permit and/or doubling of the fee set forth herein. In addition, failure to pay / renew a Rental Permit by May 1 of each year will result in submission of the bill and account for a Rental Permit to collections for

recovery. To renew a Rental Permit the owner must complete the application on the form prepared and provided by the Codes Enforcement Division and pay the applicable fee. Except as set forth in this Ordinance, on a three year basis, renewal of a Rental Permit is not subject to an inspection. An application for renewal of a Rental Permit may be denied resulting in nonrenewal of the permit as set forth herein. Failure of the owner to renew a permit will be considered a surrendering and revocation of the Rental Permit and will require vacation of all occupants / tenants of the dwelling unit or rooming. To obtain a Rental Permit after its surrender and revocation, the owner will have to submit a new initial application and undergo the requirements thereof. Any waiver of such requirements is at the discretion of the Codes Enforcement Division Manager or his/her designee.

§11-106 DENIAL OF APPLICATION FOR RENTAL HOUSING PERMIT

A Rental Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances, including but not limited International / City of Reading Building Code, Existing Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and Residential Code, Property Maintenance Code, Solid Waste and Recycling Ordinance, Health Code and Zoning Ordinance, or has failed an inspection, is in pending litigation for egregious violations of the aforesaid Codified Ordinances or has been declared uninhabitable and/or condemned by the appropriate authority with jurisdiction.

§11-107 REVOCATION OF RENTAL PERMIT

At the discretion of the issuing authority, the City of Reading Codes Enforcement Division, the municipality, shall have the authority to revoke or suspend the Rental Housing Permit of any rental unit, building, rooming house, or dwelling that is uninhabitable by humans, is in egregious non-compliance with the City of Reading Codified Ordinances, including but not limited International / City of Reading Building Code, Existing Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and Residential Code, Property Maintenance Code, Solid Waste and Recycling Ordinance, Health Code and Zoning Ordinance, or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances and/or has been condemned by the authority with jurisdiction.

§11-108 TRANSFER OF OWNERSHIP AND CHANGE OF ADDRESS

A. It shall be the duty of each owner of a dwelling unit or rooming unit to notify the Codes Enforcement Division, in writing, of any change in ownership of the premises.

B. A Rental Permit issued hereunder is not automatically transferable to any person or entity who has acquired ownership of the dwelling unit or rooming unit. To preclude displacement of occupants / tenants, immediately upon execution of a Sales Agreement, the proposed new owner shall complete and submit to the Codes Enforcement Division an application for an initial Rental Permit as prescribed herein. Said application and issuance of a permit shall be evaluated per the provisions hereof, including but not limited to performance of an inspection. In no event shall an application for an initial Rental Permit be submitted later than fifteen (15) dates after date of transfer. Failure to submit an application within the aforesaid time frame shall result in revocation of the Rental Permit and vacation of the dwelling unit or rooming unit. Said requirements are in addition to those set forth in the City of Reading Property Maintenance Code requiring sworn notification by a owner to a new owner of violations existing at the property.

C. Shall an owner of a dwelling unit or rooming unit governed by this Ordinance move or undertake a change of address, they shall immediately file with the Berks County Recorder of Deeds Assessment Office with a copy to the City of Reading Codes Enforcement Division a change of address.

§11-109 INSPECTION

A. INITIAL APPLICATION¹

Upon receipt of a fully completed application for an initial rental permit for a dwelling unit or rooming unit and receipt of payment of the applicable fee for rental permit, the Codes Enforcement Division shall within ten (10) days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than thirty (30) days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the Codes Enforcement Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner and inform them that they may obtain their Rental Permit from the City of Reading Codes Enforcement Division. In the event the Code Official determines that the dwelling unit or rooming unit

¹ If a dwelling unit or rooming unit has undergone an inspection within the last three (3) years pursuant to the City of Reading Property Maintenance Code, they are not due for an inspection per said requirements, there are no outstanding issues from such inspection and permits for said dwelling unit were obtained therefor without the necessity of commencement of legal action by the City of Reading, said dwelling units and rooming will not be required to undergo an inspection for receipt of a Rental Permit for the 2007 – 2008 renewal permit. Said dwelling units or rooming units will be placed within their appropriate rotating three (3) year inspection group and will be required to undergo an inspection at said time for renewal of a Rental Permit in that year rather it be the first or second and not the third renewal under this Ordinance.

is in violation of the applicable City of Reading Codes and Codified Ordinances, the Codes Enforcement Division shall be instructed not to issue the Rental Permit. Additionally, the Code Official shall issue a Notice of Violation as provided for in the appropriate Code. Further, if the violation is not corrected within the time frame established on the Notice of Violation, the Code Official shall commence the appropriate legal proceedings as permitted by the applicable Code. The owner shall notify the Codes Enforcement Division of correction, remediation and/or abatement of the violation. Within ten (10) days of receipt of said notification from the owner, the Codes Enforcement Division shall schedule a reinspection of the dwelling unit or rooming unit to determine if the violations set forth in the Notice of Violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Codes Enforcement Division and in so doing authorize issuance of the Rental Permit. Occupancy of the dwelling unit or rooming unit is prohibited until a Rental Permit is issued.

B. THREE YEAR RENEWAL INSPECTIONS

An inspection of the dwelling unit or rooming unit shall be performed every three (3) years.

Upon receipt of a fully completed application for a renewal Rental Permit, as provided for herein, three (3) years from application for and issuance of the initial Rental Permit for a dwelling unit or rooming unit and receipt of payment of the applicable fee for rental permit, the Codes Enforcement Division shall within ten (10) days of said receipt schedule an exterior and interior inspection of the dwelling unit or rooming unit to be performed no later than thirty (30) days from said receipt to determine if the dwelling unit or rooming unit is compliant with the applicable City of Reading Codes and Codified Ordinances. If the Codes Enforcement Official performing the inspection determines that the dwelling unit or rooming unit complies with the applicable City of Reading Codes and Codified Ordinances, the Official shall so advise the owner and inform them that they may obtain their Rental Permit from the City of Reading Codes Enforcement Division. In the event the Code Official determines that the dwelling unit or rooming unit is in violation of the applicable City of Reading Codes and Codified Ordinances, the Codes Enforcement Division shall be instructed not to issue the Rental Permit. Additionally, the Code Official shall issue a Notice of Violation as provided for in the appropriate Code. Further, if the violation is not corrected within the time frame established on the Notice of Violation, the Code Official shall commence the appropriate legal proceedings as permitted by the applicable Code. In addition, should the Code Official find violations s/he shall also order the owner to vacate the dwelling unit or rooming unit as operation thereof is prohibited

without a Rental Permit. The property shall remain vacated until the Codes Official determine that the violations have remedied, corrected and/or abated. The owner shall notify the Codes Enforcement Division of correction, remediation and/or abatement of the violation. Within ten (10) days of receipt of said notification from the owner, the Codes Enforcement Division shall schedule a reinspection of the dwelling unit or rooming unit to determine if the violations set forth in the Notice of Violation have been remedied, corrected and/or abated. If the Codes Official determines that the violations have been remedied, corrected and/or abated in accordance with the applicable City of Reading Codes and Codified Ordinances, the Code Official shall so advise the owner and Codes Enforcement Division and in so doing authorize issuance of the Rental Permit.

C. ROUTINE INSPECTION

The Codes Enforcement Division shall perform routine inspections on all dwelling units and rooming units subject to the provisions of the applicable City of Reading Codes and Codified Ordinances.

D. COMPLAINT INSPECTIONS

Nothing in this Ordinance shall preclude the Codes Enforcement Division / Code Official from performing an inspection upon receipt of a complaint of violation of the City of Reading Codes and Codified Ordinances existing at the dwelling unit or rooming unit. Said inspections shall be in accord with the applicable Codes and Ordinances and regulations and policies established by the City of Reading Codes Enforcement Division. A complaint of violation shall include but not be limited to a violation of a City of Reading Code or Ordinance, e.g., Property Maintenance Code and/or Disruptive Conduct Report.

E. SEARCH WARRANT

If any owner, occupant or other person in charge of a structure subject to the provision of this Ordinance refuses, impedes, inhibits, interferes with, restrict or obstructs entry and free access to every part of the structure or premises where inspection authorized by this Ordinance is sought, the administrative authority, Codes Enforcement Division, shall promptly apply for an administrative search or inspection warrant to a court of competent jurisdiction and shall supply all necessary affidavits and testimony to indicate that there is a reasonable or probable cause to conduct an inspection.

F, NOTICE

All notices scheduling an inspection shall be mailed via regular mail to the owner of record with a copy mailed via regular mail to the local responsible agent.

F. FAILURE TO APPEAR FOR INSPECTION

If the owner or his/her local responsible agent cannot be available at the proposed time, said owner or representative shall provide no less than twenty-four (24) hour written notice to the Codes Enforcement Division. Upon failure to give such written notice or upon failure to gain entry, an administrative fee of Fifty Dollars (\$ 50.00) will be assessed against the owner or representative of the owner failing to supply written notice or appear. For each rescheduling beyond the second rescheduling an administrative fee of One Hundred Dollars (\$100.00) shall be assessed in all cases. Failure to pay administrative fees shall at the discretion of the Code Official constitute a violation of this Code or the City of Reading Property Maintenance Code. Failure of an owner or his/her local responsible agent to appear for an inspection as part of an initial application or three year inspection as required to obtain a Rental Permit and the time necessary to reschedule an inspection shall extend the time provided the City of Reading to schedule an inspection per said requirements and make a determination on an application. Additionally, failure of an owner or his/her local responsible agent to appear for a scheduled inspection shall be considered probable cause for obtaining a search warrant to inspect the premises.

§11-110 PERMIT

Upon compliance by the owner of the dwelling unit or rooming unit of the requirements of this Chapter, the City of Reading Codes Enforcement Division shall issue a Permit thereto in a form on paper under the letterhead of the City of Reading Codes Enforcement Division prepared thereby which shall include but not be limited to the following:

1. Name, mailing address and telephone number of owner.
2. Name, mailing address and telephone numbers, business and cell of local responsible agent.
3. Number of occupants / tenants permitted to occupy said dwelling unit or rooming unit as authorized by the City of Reading Codified

Ordinances, including but not limited to the Zoning Ordinance and Property Maintenance Code.

4. Date of last application inspection, e.g., initial or three year.
5. A place for date and initials of Code Official indicating performance of a routine or complaint inspection and whether or not violations were found.
6. Date of issuance of permit.
7. Date of required renewal of permit.
8. Printed name of person issuing permit.

§ 11-111 POSTING OF THE PERMIT

The Rental Permit shall be conspicuously posted and maintained in the dwelling unit or rooming unit and shall be available for inspection by the City Code Officials. In addition to posting of the permit, the owner shall post in a conspicuously place at or near the entrance of the dwelling unit or rooming unit in a manner available for inspection by the City Code Officials:

1. The name, mailing address and telephone numbers of the owner and local responsible agent.
2. The evenings on which garbage and recycling are to be placed curbside for collection and the set out requirements defined in the Solid Waste Ordinance, found in Chapter 20 of the City's Codified Ordinances.
3. The telephone number to call to register complaints regarding the physical condition of the rental unit.
4. The telephone number for emergency police, fire and medical services.
5. The date of expiration of the rental registration or rental license.
6. A summary of the owner's and occupant's duties under this Part.

Failure to maintain posting and maintenance of the Rental Permit and aforesaid requisite information as required herein shall subject the owner to penalties of this Ordinance.

§ 11-112 LOCAL RESPONSIBLE AGENT

A. DESIGNATION

Any owner who rents, leases or lets a dwelling unit or rooming unit shall designate and appoint an adult individual to serve as the responsible local agent for such dwelling unit or rooming unit. The owner and responsible local agent shall be jointly and severally legally responsible for operation of the dwelling unit and rooming unit and its compliance with the City of Reading Codes and Codified Ordinances and the laws of the Commonwealth of Pennsylvania. The local responsible agent shall also be responsible for providing the Code Official with access to the dwelling unit or rooming unit for the purpose of making inspections necessary to ensure such compliance. A responsible local agent is required to reside within Berks County, Pennsylvania. An owner may designate him/herself as a responsible agent if s/he resides within Berks County, Pennsylvania.

B. POSTING OF RESPONSIBLE LOCAL AGENT

The name, address, and contact information including but not limited to telephone number, business and cell of the responsible local agent shall be conspicuously posted and maintained in the dwelling unit or rooming unit and shall be available for inspection by the City Code Officials upon request. Failure to maintain posting and maintenance of the information of the responsible local agent as required herein shall subject the owner to penalties of this Ordinance.

§11-113 OCCUPATION OF PREMISES WITHOUT RENTAL PERMIT²

It shall be unlawful for the owner of any dwelling unit or rooming unit or any agent thereof to allow, rent, lease or let or otherwise permit occupancy of any dwelling unit or rooming unit by another or to represent to the general public that such dwelling unit or rooming unit is for rent, lease, let or occupancy unless a current Rental Permit is obtained for such dwelling unit or rooming unit.

§11-114 OWNER AND OCCUPANT DUTIES.

² Premises for which a Housing Permit was obtained for 2006 which was extended to permit consideration and adoption of this Ordinance shall continue to be permitted to be occupied until March 1, 2008, provided an application for the requisite zoning permits has been by said note and provided said premises has not been declared uninhabitable by the City of Reading .

A. OWNER'S DUTIES.

It shall be the duty of every owner, operator, responsible agent or manager to keep and maintain all rental units in compliance with all applicable codes and provisions of all applicable State laws and regulations and local ordinances, and to keep such property in good and safe condition and to be aware of, and to act to eliminate disruptive conduct in such rental units.

It shall be unlawful for any person to conduct or operate or cause to be rented either as owner, operator, responsible agent or manager any rental unit within the City of Reading without having a rental registration or a rental license.

The owner, operator, responsible agent or manager shall include the amendment attached hereto as the Addendum to rental agreement in each lease of a rental unit taking effect on or after May 1, 2007. Said amendment is hereby considered to be a part of every lease of a rental unit in the City of Reading executed on or after May 1, 2007.

It shall be the responsibility of every owner, operator, responsible agent or manager to employ policies and to manage the rental units under his/her control in compliance with the provisions of this Part, City codes and applicable State laws.

B. OCCUPANT DUTIES.

The occupant(s) shall comply with all obligations imposed unto by this Part and by the City of Reading codified ordinances including, but not limited to, Chapter 2 Animals, Chapter 3 Bicycles, Chapter 5 Code Enforcement Part 6 Property Maintenance Code, Chapter 6 Conduct, Chapter 10 Health and Safety, Chapter 15 Motor Vehicles and Traffic, Chapter 20 Solid Waste and Chapter 21 Streets and Sidewalks as well as all State laws and regulations.

The occupant(s) shall conduct themselves and require other persons including, but not limited to, guests on the premises and within their rental unit with their consent, to conduct themselves in a manner that will not disturb the peaceful enjoyment of the premises by others and that will not disturb the peaceful enjoyment of adjacent or nearby dwellings by people occupying the same.

The occupant(s) shall not engage in, nor tolerate, nor permit others on the premises to cause damage to the rental unit or engage in disruptive conduct, or other violations of this Part, City codes or applicable State laws.

Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed

§11-115 OWNERS SEVERALLY RESPONSIBLE.

If any regulated dwelling unit or rooming unit is owned by more than one person, in any form of joint tenancy, as a partnership, corporation or otherwise, each persons shall be jointly and severally responsible for the duties imposed under the terms of this Chapter and shall be severally subject to prosecution for the violation of this Chapter.

§ 11-116 FEES FOR RENTAL PERMIT

A. FEE SCHEDULE

Fees required for application of Rental Permit shall be:

1. PERMIT
 - a. Single rented dwelling unit \$50 per year
 - b. Each single room (rooming unit) \$25 per year
2. REINSPECTION

The initial and first subsequent inspection upon an application for either an initial or three year renewal shall be included in the Permit Fee. A fee in the amount of \$ 25 shall be charged for any second or subsequent inspection required for approval of an initial or three year renewal application.

B. NUMBER OF UNITS

For the purpose of determining the number of units or rooms to be included in a permit, the following definitions shall apply:

1. Efficiency apartments and rented rooms used for purposes other than sleeping shall be considered a dwelling unit.

2. Any dwelling unit or room occupied by the owner/operator of a multiple unit dwelling shall be included in the total number of units or rooms, as well as any unit or room occupied by the spouse, son, daughter, mother, father, sister or brother of the owner or operator.

C. WAIVER OF FEES

The permit fees established in subsection A above shall be waived under the following conditions:

1. If the owner, or operator, or the spouse, son, daughter, mother, father, sister or brother of the owner or operator occupy the unit.

2. If the owner or operator is the United States government, the Commonwealth of Pennsylvania, the City of Reading, Pennsylvania or any agency thereof.

3. If the owner or operator is a corporation or association organized and operated exclusively for religious, charitable or educational purposes, or for one or more such purposes, provided that no part of the net earnings or profits of which inure to the benefit of any private shareholder, individual, corporation or partnership.

4. Licensed real estate brokers or agents or financial institutions that purchase or acquire dwellings for the sole purpose of resale of the property shall be exempt from obtaining a rental permit.

5. Persons who have acquired property for the sole purpose of renovating and resale of the property may be exempt from obtaining a rental permit based upon approval of an application for exemption on the form prescribed.

D. EFFECT OF WAIVER OF FEES

The waiver of fees contained in subsection C above, shall not exempt the owners or local responsible agent from compliance with this Chapter and all other applicable Codes, Codified Ordinances, rules, regulations of the City of Reading and laws of the Commonwealth of Pennsylvania, unless otherwise specifically exempted herein.

E. FEE NON-REFUNDABLE

The fee paid as part of the application for a Rental Permit is non-refundable even if the application is denied.

§11-117 PERMIT EXEMPTION

A. EXEMPT UNITS

1. All property owned by the Housing Authority of the City of Reading or the Housing Authority of the County of Berks which is inspected annually by those agencies to assess conformance with Federal standards, or properties that are inspected annually for compliance with the requirements of the United States Department of Housing and Urban Development or the Pennsylvania Housing Finance Agency, regardless of the occupants, shall be exempt from the permitting provisions of this Part.

2. The permitting provisions of this Chapter shall not apply to hospitals, nursing homes or other rental units used for human habitation which offer full time supervision and provide medical or nursing services, and wherein all operations of such facilities are subject to County, State or Federal licensing or regulations concerning the health and safety of the users, patients or tenants. The permitting provisions of this Chapter also shall not apply to hotel units, as defined previously, as defined in the City's Zoning Ordinance [Chapter 27].

B. LOSS OF EXEMPTION

If, in response to a complaint, an exempt unit is found to be in violation of a City code, the owner, operator, local responsible agent, manager shall correct the violation(s) within the time frame cited by the public officer or police officer. If the violation(s) is/are not corrected, the unit shall lose its exemption until the violation(s) is/are corrected. If three verified complaints are received in any 12-month period, the unit shall lose its exemption for a period of 5 years.

§11-118 TENANT INFORMATION

In addition to supplying information of the tenants of the dwelling unit or rooming unit on the initial or renewal application for a Rental Permit, the owner or the local responsible agent shall on or before March 1 and August 1 of each year shall provide to the City of Reading Codes Enforcement Division on a form prepared and provided by said Division information of all tenants or other persons, including children under 18 years of age, occupying the dwelling unit or rooming room for which

they are required to have a Rental Permit the full name, date of birth, unit, floor or apartment number / designation and term of lease, date of entry and anticipated departure date.

The owner shall notify the City of Reading Codes Enforcement Division of changes in the tenant listing within ten (10) days of such change by submitting an updated tenant listing on the form prepared and provided by the Codes Enforcement Division. In so doing, the owner shall notify the City of the name of the person whom is no longer residing at the dwelling unit or rooming unit.

If the owner has reason to believe that such disclosure may jeopardize the personal safety and well-being of a tenant or occupant and provides the Codes Enforcement Division with such information and documentation to support such belief as may be reasonably required by the Codes Enforcement Division, shall disclosure shall not be required.

Failure to provide the required information or failure to update such information as required by this Chapter are hereby made subject to the penalties set forth in this Chapter.

§11-119 OFFICIAL NOTICES

All official notices including but not limited to Notices of Violation relating to a dwelling unit or rooming unit shall be served on the owner with a copy to the local responsible agent. All official notices shall be by first class mail to address of record of the owner and local responsible agent and posting of the dwelling unit or rooming unit. The address of record of the owner shall be that provided by the County of Berks. Any owner change of address must be performed through the County of Berks Recorder of Deeds / Assessment Office. The address of record of the local responsible agent shall be that provided by the owner on the most recent permit application. It is the responsibility of the owner to change the address thereof or the identity or address of the local responsible agent per the requirements hereof. There shall be a rebuttable presumption that any notice required to be given under this Chapter shall have been received by owner and/or local responsible agent if the notice was given in the manner provided. A claim of lack of knowledge by the owner of any violation hereunder or City of Reading Codes shall not be a defense to license nonrenewal, suspension or revocation proceedings as long as all notices prerequisite to institution of such action were given and deemed received in accord with the applicable provisions of this Chapter.

§11-120 DENIAL OR NONRENEWAL OF A RENTAL PERMIT FOR FAILURE TO COMPLY WITH APPLICATION, CHAPTER AND/OR FAILURE TO PASS INSPECTION

A. TIMING

A decision to deny or not renew an application for a Rental Permit for the reasons set forth herein shall be made within fifteen (15) working days of receipt of the application with payment of appropriate fee as indicated on the time stamp by the Codes Enforcement Division. This time period shall be extended to fifteen (15) working days after performance of an inspection where an inspection is required.

B. BASIS FOR DENIAL OR NONRENEWAL UNDER THIS SUBCHAPTER

1. A Rental Permit shall be denied and/or nonrenewed upon failure of the owner to comply with the application requirements set forth in this Chapter.

2. An application for an initial or renewed permit shall also be denied upon proof of failure of owner or local responsible agent to comply with the requirements of this Chapter including but not limited to the posting requirements, submission of tenant listing, fail to appear for more than one (1) schedule inspection, failure to appear for a scheduled court hearing and non compliance with owner's duties.

3. A Rental Permit shall not be issued or renewed upon the failure of dwelling unit or rooming unit to pass an initial or a three year inspection as required by subsection 11-109(A) and (B) of this Chapter.

4. A Rental Permit shall not be issued or renewed to any applicant if said rental unit, building or dwelling is not in compliance with the City of Reading Codified Ordinances, including but not limited International / City of Reading Building Code, Existing Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and Residential Code, Property Maintenance Code, Solid Waste and Recycling Ordinance, Health Code and Zoning Ordinance, or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances or has been declared unfit for human habitation and/or condemned by appropriate authority with jurisdiction or an owner or his/her local responsible agent fails to appear in court for a hearing regarding a violation of the aforesaid Codes of the City of Reading.

B. NOTICE

Notification of the decision to deny or not renew an application for an initial or renewal of a Rental Permit shall be issued by the Codes Enforcement Division Manager or his/her designee within fifteen (15) working days of receipt of the application. The notification shall specify the reason for denial or refusal or renew an application for a Rental Permit citing the requirement therefor. Said notice shall be in accord with the requirements therefor of this Chapter.

C. RIGHT TO CURE

At the discretion of the Codes Enforcement Manager or his/her designee notification of the denial or nonrenewal of a Rental Permit may provide the owner an opportunity to cure the basis for the denial or nonrenewal. If said opportunity is provided, the notification must specify the time period provided for curing of the basis for the denial or refusal to renew a Rental Permit. Upon failure of the owner or local responsible agent to cure the basis for the denial within the time period given, the decision of the Codes Enforcement Division Manager or his/her designee to deny or not renew a Rental Permit shall stand and the sole recourse shall be an appeal. Nothing in this section is to be interpreted to override the requirements and right to resolve failure to pass inspection as required above as part of the initial and three year inspection process.

D. APPEAL

The denial of an initial or renewal application for a Rental Permit for the reasons set forth above may be appealed to the Housing Board of Appeals by submission of such a request with payment of the appropriate fee made in writing to the Manager of the Codes Enforcement Division within ten (10) days of receipt of notification of such denial.

§11-121 SUSPENSION OR REVOCATION OF RENTAL PERMIT

A. WARNING NOTICE REQUIRED PRIOR TO SUSPENSION OF RENTAL PERMIT

1. Prior to suspension or revocation of a rental license, the Code Official shall provide written notice of violation to the owner of any dwelling unit or rooming unit.

2. The written notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit and the owner's responsible local agent that a written correction plan shall be submitted to the Code Official within five (5) days after receipt of the notice of violation. Failure to submit an acceptable correction plan will result in suspension or revocation of all applicable housing permits.

3. The notice of violation shall inform the owner of the rental property, dwelling unit or rooming unit that the owner may request an informal meeting with the Code Official to discuss the violations within five (5) days of the receipt of the notice of violations. Owners requesting a meeting may request that the owner's responsible local agent represent the owner and act on the owner's behalf.

4. This subsection shall be issued in conjunction with and not in lieu of the requisite notices of violations regarding under City of Reading Codes including but not limited to the Property Maintenance Code.

5. The notice of violation / warning and notice of suspension or revocation shall be served in accord with the Official Notice requirements set forth in this Chapter. Additionally such notices shall be also be served via certified mail return receipt requested with date of receipt determined by date of execution of return receipt. Provided, that should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned their will be a rebuttable presumption that but for the recipient's refusal of the certified mail notice was received within five (5) mail (Monday - Saturday) days of date of mailing.

6. Form. A notice of a violation shall be in accordance with all of the following:

a. Be in writing.

b. Include a description of the real estate sufficient for identification.

c. Include a statement of the violation or violations and why the notice is being issued.

d. Include a statement of the requirement that a correction or rehab plan be submitted within the time provided for in this Ordinance.

e. Inform the property owner of the right to request a meeting to discuss the notice.

B. SUSPENSION OR REVOCATION PROCEDURES

1. The Code Official shall notify the owner of the suspension or revocation of a rental license for a dwelling unit or rooming unit by written notice sent by first class mail and certified mail or delivered in person. should the certified mail be returned as unclaimed and first class mail issued in conjunction with the certified mail not be returned their will be a rebuttable presumption that but for the recipient's refusal of the certified mail notice was received within five (5) mail (Monday - Saturday) days of date of mailing. The notice shall advise the owner of the property address of the dwelling unit or rooming unit, the effective dates of the suspension or revocation, the reason for the suspension or revocation, the effect of the suspension or revocation, penalties that can be imposed for violation of the suspension and appeal rights and procedures.

2. The Code Official shall set forth the effective date of the suspension or revocation in such manner so that suspension or revocation commences on the first day following expiration of the ten (10) days to file an appeal of the Code Official's determination.

3. No rental permit shall be renewed for six months for the first suspension or revocation and 12 months for each subsequent suspension or revocation within a five (5) year period beginning on the effective date of the suspension or revocation.

4. During the time a rental license is suspended or revoked, if any additional violations occur against the dwelling unit or rooming unit, the rental license suspension or revocation may be extended up to an additional 12 months.

C. EFFECT OF SUSPENSION

Upon the commencement of suspension or revocation, the dwelling unit or rooming unit shall be secured by the owner, and no person, firm, or corporation shall operate or rent/lease to another for residential occupancy any dwelling unit or rooming unit during such time that the rental license for such unit is suspended or revoked. The transfer of the ownership of a rental property by an owner to an entity in which such owner holds an ownership or equity interest will not void the existing accumulated points relating to such rental property or void any existing suspension or revocation relating to such rental property.

D. DEFENSE

When tenants and/or occupants are culpable for violations resulting in a suspension notice, the owner may request reinstatement of the housing permit upon eviction of the tenants, provided the owner is current with submission of tenant listings as required by this Ordinance.

E. APPEAL PROCEDURE FOR SUSPENSION OR REVOCATION INITIATED BY THE CODE OFFICIAL

An appeal of a suspension or revocation of a Rental Permit shall be made by submitting the appropriate fee and a request for an appeal to the Housing Board of Appeal in writing to the Manager of Codes Enforcement Division within ten (10) days of receipt of the Notice of Suspension or Revocation.

F. BASIS FOR SUSPENSION OR REVOCATION

A Rental Permit shall be suspended or revoked at the discretion of the Manager of the Codes Enforcement Division or his/her designee if egregious, severe, life-threatening, health and welfare or repetitive, continued violations of the Offense set forth in subsection 11-120(F) exist at the dwelling unit or rooming unit without any attempt to cure or remedy the problem or submission of a timely rehab plan and lack of response to Notices of Violations issued by the appropriate authority.

G. OFFENSES

For purposes of this chapter, offenses are those as set forth, but not limited to the following ordinances or statutes:

1. Occupancy: Refers to regulations relating to occupancy of rooming units, dwelling units and dwellings as contained in Chapter 5 (Code Enforcement) and Chapter 27 (Zoning) of the Codified Ordinances of the City of Reading .
2. Refuse: Refers to regulations relating to Garbage, Rubbish and Refuse, under the City of Reading Codified Ordinances including but not limited to the Property Maintenance Code Chapter 5, Health Code Chapter 10 and Solid Waste and Recycling Ordinance Chapter 20.
3. Property maintenance (interior and exterior): Refers to regulations as governed by the City of Reading Property Maintenance Code in Chapter 5 of the City of Reading Codified Ordinances.
4. Sidewalks: Refers to regulations relating to snow and ice removal contained in the Streets and Sidewalks, Chapter 21 of the City of Reading Codified Ordinances.
5. Noise: Refers to regulations relating to Noise Disturbance, and Conduct Chapter 6 of the City of Reading Codified Ordinances.
6. Vegetation: Refers to regulations relating to Brush, Grass and Weeds, per the City of Reading Codified Ordinances including but not limited to the Property Maintenance Code Chapter 5 and Health Code Chapter 10.
7. Disorderly conduct: Refers to enforcement by the City of Reading Police Department of Section 5503, Crimes Code, Act of Dec. 6, 1972, P.L. 1482, No. 334, 18 Pa. C.S.A. § 5503 and Chapter 6 Conduct of the City of Reading Codified Ordinances.

8. Dogs: Refers to regulations relating to Animals and Health under Chapters 2 and 10 of the City of Reading Codified Ordinances.
9. Fire Prevention Code: Refers to regulations to the City of Reading Fire Prevention Code as provided for in Chapter 5 Code Enforcement and Chapter 7 Fire Prevention and Protection of the City of Reading Codified Ordinances.
10. Zoning violations and related offenses per Chapter 27 of the City of Reading Codified Ordinances.
11. Violation of Chapter 5 of the City of Reading Codified Ordinances regarding Code Enforcement including but not limited to the City of Reading Building Code, Existing Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and Residential Code.
12. Failure to appear in court and related offenses.
13. Any other offense that renders the dwelling, unit, or room inhabitable.

At the discretion of the issuing authority, the City of Reading Codes Enforcement Division, the municipality shall have the authority to revoke or suspend the Rental Housing Permit of any rental unit, building, rooming house, or dwelling that is uninhabitable by humans, is in egregious non-compliance with the City of Reading Codified Ordinances, including but not limited International / City of Reading Building Code, Existing Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and Residential Code, Property Maintenance Code, Solid Waste and Recycling Ordinance, Health Code and Zoning Ordinance, or has failed an inspection, is in pending litigation for violations of the aforesaid Codified Ordinances and/or has been condemned by the authority with jurisdiction.

H. IMMEDIATE SUSPENSION OR REVOCATION

Placarding and condemning of a property per the City of Reading Property Maintenance Code shall result in immediate suspension or revocation of a Rental Permit. Notwithstanding any other provision of this Chapter, the permit shall be reinstated upon performance of an inspection, payment of the appropriate fee for removal of the placard per the Property Maintenance Code and submission with the appropriate fee and approval of an application for a Rental Permit.

I. SUSPENSION AND DISRUPTIVE CONDUCT

Nothing in this subchapter shall be interpreted to preclude enforcement under the Disruptive Conduct subchapter set forth herein.

J. REINSTATEMENT OF RENTAL PERMIT SUBSEQUENT TO SUSPENSION OR REVOCATION

To obtain reinstatement of a Rental Permit subsequent to a suspension or revocation and period therefor, an owner must resubmit an application and undergoing the process for an initial application including but not limited to an undergoing an inspection and payment of the appropriate fee.

K. NOTICE

1. Form. A notice of a suspension or revocation of a Rental Permit shall set forth the information required herein and be in a form accordance with all of the following:

- a. Be in writing.
- b. Include a description of the real estate sufficient for identification.
- c. Include a statement of the violation or violations and why the Permit is being suspended or revoked.
- d. The time period for the suspension or revocation of the Permit.
- e. Inform the property owner of the right to appeal.

§11-123 VIOLATION AND PENALTIES

A. VIOLATIONS

It shall be unlawful for any person, as either owner or local responsible agent of a rental dwelling unit or rooming unit for a Rental Permit is required to

operate without a valid, current permit issued by the City of Reading authorizing such action. It shall also be unlawful for any person, either owner or local responsible agent, to allow the number of occupants of dwelling unit or rooming unit to exceed the maximum limit as set forth on the license or to violate any other provision of this Chapter, including but not limited to failure to timely submit a tenant listing and renew a Rental Permit. Further, it shall be unlawful for any occupant to violate this Chapter.

B. PROSECUTION OF VIOLATION.

If the above violations are not corrected, the Manager of the Codes Enforcement Division or his/her designee or code official shall institute the appropriate proceeding at law or in equity, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate. Notwithstanding the above, nothing will prevent the Manager of Codes Enforcement Division or, his/her designee or code official from commencing a summary offense criminal action via the issuance of a non-traffic citation in accord with the Pennsylvania Rules of Criminal Procedures in the court of appropriate jurisdiction and the violation shall be deemed a strict liability offense.

D. COLLECTIONS

All bills or accounts governed by this Ordinance which are not paid by May 1 of each year or within sixty (60) days of application from date of application / original date of billing shall be turned over to a collections agency for receipt.

E. PENALTIES

Any person who shall violate any provision of this Chapter, shall upon conviction thereof, be sentenced to pay a fine of not less than seventy-five dollars (\$75.00) and not more than five hundred dollars (\$500.00) plus costs and restitution. In default of payment of said fine and costs to a term of imprisonment of not more than ninety (90) days. Each day that violation of this Chapter continues or each Section of this Chapter which shall be found to have been violated shall constitute a separate offense. Such penalties shall be exclusive of the doubling of the permit fee for untimely payment and submission thereof to collections as well as suspension or revocation of permit for failure to pay.

F. NONEXCLUSIVE REMEDIES

The penalty and collection provisions of this Section and the license nonrenewal, suspension and revocation procedures provided in this Chapter shall be independent, nonmutually exclusive separate remedies, all of which shall be available to the City of Reading as may be deemed appropriate for carrying out the purposes of this Chapter. The remedies and procedures provided in this Chapter for violation hereof are not intended to supplant or replace to any degree the remedies and procedures available to the city in the case of a violation of any other City of Reading Code or Codified Ordinances, whether or not such other code or ordinance is referenced in this Chapter and whether or not an ongoing violation of such other code or ordinance is cited as the underlying ground for a finding of a violation of this Part.

§11-124 DISRUPTIVE CONDUCT

A. INVESTIGATION AND REPORT OF DISRUPTIVE CONDUCT

Police officers or public officers shall investigate alleged incidents of disruptive conduct. They shall complete a disruptive conduct report upon a finding that the reported incident constitutes disruptive conduct as defined herein. The information filed in said report shall include, if possible, the identity of the alleged perpetrators of the disruptive conduct and all other obtainable information, including the factual basis for the disruptive conduct described on the prescribed form. A copy of the disruptive conduct report shall be given or mailed to the occupant and mailed to the owner and local responsible agent within ten (10) working days of the occurrence of the alleged disruptive conduct.

B. APPEALS

The occupant, owner or local responsible agent shall have ten (10) working days from the date of receipt of a disruptive conduct report to appeal the contents of said disruptive conduct report. The appeal shall be made in writing and submitted to the Manager of the Codes Enforcement Division. An appeal of the third disruptive conduct report within a 12-month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the third disruptive conduct report.

C. EVICTION

After three (3) disruptive conduct incidents in any 12-month period by an occupant documented by disruptive conduct reports, the owner or local responsible agent shall have ten (10) working days from the date of his/her receiving

the notice to begin eviction proceedings against the occupants. This paragraph is not intended to limit or inhibit the owner or local responsible agent's right to initiate eviction actions prior to the third disruptive conduct incident.

D. SUSPENSION OR REVOCATION OF RENTAL PERMIT

Failure of an owner of local responsible agent to take action required in subsection C above will result in the commencement of the process to suspend a Rental Permit per the process established herein, notwithstanding any other requirements therefor.

E. REINSTATEMENT OF RENTAL PERMIT

The rental unit involved shall not have its Rental Permit reinstated until the reinstatement fee is paid and the disruptive occupants have been evicted, the Housing Board of Appeals has ruled in the occupant's favor, the Housing Board of Appeals has ruled in the owner's favor but has not ordered the eviction of the occupant(s), or the occupants have filed an appeal to a higher court thereby preventing their eviction. Notwithstanding this subsection, if there are points assessed against the owner per the provisions of this Ordinance which require suspension or revocation, a Rental Permit shall not be reinstated until compliance with the requirements therefore has occurred.

F. REOCCUPATION

The disruptive occupants, upon eviction, shall not re-occupy any rental unit on the same premises involved for a period of at least one (1) year from date of eviction.

G. REPORT AGAINST ALL OCCUPANTS

The content of the disruptive conduct report shall count against all occupants of the rental unit. The content of the disruptive conduct report shall not count against all occupants of the rental unit if the complaint is initiated by one of the rental unit occupants.

H. MAINTENANCE OF LIST OF EVICTED OCCUPANTS

The Codes Enforcement Office shall maintain a list of the names of all occupants evicted as a result of the preceding paragraph. The names shall remain on the list for a period of five (5) years.

I. APPEALS

Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the revocation of a rental permit resulting therefrom may appeal to the Housing Board of Appeals. Such appeal must be filed with the appropriate fee with the Manager of the Codes Enforcement Division in writing, within ten (10) working days from the date of receipt of the Disruptive Conduct Report or notice of revocation.

§11-125 HOUSING BOARD OF APPEALS

A. APPEALS

Any person aggrieved by any decision of a police officer or public officer in regard to a disruptive conduct report or the suspension, nonrenewal, denial or revocation of a Rental Permit, may appeal to the Housing Board of Appeals. Such appeal must be filed, in writing, with the appropriate filing fee within ten (10) working days from the date of receipt of the disruptive conduct report or notice of revocation.

B. ORGANIZATION

1. MEMBERSHIP

The Disruptive Conduct Board of Appeals shall be a body of seven (7) members consisting of: the Managing Director or his/her designee who shall serve as Chairperson; a Councilperson, Codes Enforcement Division Manager or their designee; the Chief of Police or his/her designee; an owner or local responsible agent of a rental unit(s) in Reading; an occupant of a rental unit residing in the City of Reading; and a member of a community group recognized by the City of Reading.

2. ALTERNATES

There shall be three alternate members: an owner or local responsible agent, an occupant of a rental unit residing in the City of Reading and a member of a community group recognized by the City of Reading.

3. APPOINTMENT

All members of the Board shall be appointed by the Mayor with the advice and consent of the Council of the City of Reading, with the

exception of the Council Member, who shall be appointed by the Council President.

4. TERM

A member or alternate member shall serve a term of not more than three (3) years from the time of appointment or reappointment or until his/her successor shall take office. Members and alternates of the initial board shall be appointed to staggered terms of 1, 2 and 3 years.

5. POWERS OF DESIGNEE AND ALTERNATES

Designees and alternate members may be requested to attend meetings in absence of a regular member and shall have all the powers of a regular member at such meetings.

6. QUORUM AND MAJORITY VOTE

Four (4) members shall constitute a quorum of the Board. A majority vote of the members of the quorum of the Board shall prevail. A tie vote shall be deemed as a denial of the appeal.

C. POWERS

The Board shall have the following powers:

1. PROMULGATE RULES AND REGULATIONS

To adopt and administer the rules of procedure regarding its organization, officers (except the Chairperson), times and places of meetings, conduct of meetings and other legal procedures relating to the hearing and determination of appeals and other matters within the Board's jurisdiction.

2. HEAR AND DECIDE APPEALS

To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the police officer or public officer in the enforcement of the provisions of this Chapter.

3. GRANT MODIFICATION OR VARIANCE

To modify any notice of violation or order and to authorize a variance from the terms of this Code when because of special circumstances, undue hardship would result from literal enforcement, and where such variance substantially complies with the spirit and intent of the Code.

4. GRANT EXTENSION OF TIME

To grant a reasonable extension of time for the compliance, as described in the City's Property Maintenance Code and other applicable sections of the City of Reading Codified Ordinances of any order where there is a demonstrated case of hardship and evidence of bona fide intent to comply within a reasonable time period.

5. TIMELINESS

In exercising the above-mentioned powers, the Board shall act with reasonable promptness and seek to prevent unwarranted delays prejudicial to the party involved and to the public interest; provided, however, that the Board shall file its decision within ten (10) working days after the appeal hearing.

6. AUTHORITY

The Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as justice would require, and, to that end,

shall have all the powers of the police officer or public officer; provided, however, that the Housing Board of Appeals, in its determination, shall be bound by this Chapter and shall not ignore the clear provisions and intent of this Chapter.

D. RECORDS OPEN TO INSPECTION

The disruptive conduct report and all records of all proceedings and the final disposition of the matter outlined in the appeal shall be public and available for inspection; provided, however, that the police officer or public officer may prescribe reasonable regulation regarding the time and manner of inspection.

E. AFFECT OF APPEALS

Any decision or order issued under, per and in accord with this Chapter shall be held in abeyance upon the timely filing of an appeal thereof with the Housing Board of Appeals or an appeal of a decision thereof to the Court of Common Pleas of Berks County. Said abeyance shall include but not be limited to revocation, suspension, denial or nonrenewal of a Rental Permit until the appeal is resolved. An appeal of the third disruptive conduct report within a twelve (12) month period shall stop the eviction proceedings against the occupants until the appeal is resolved, only if the eviction proceedings were a direct result of the third disruptive conduct report.

F. ENFORCEMENT UPON RESOLUTION OF APPEAL OF HOUSING BOARD

If this appeal is of a third disruptive conduct report and the decision of the police officer or public officer has been affirmed, and no appeal is pending, within ten (10) working days after the expiration of the time for filing an appeal has expired and time for compliance as required by the decision of the Housing Board of Appeals or Court of Common Pleas, the public officer shall reinspect to determine compliance as to whether the occupant has voluntarily moved from the premises or the owner has initiated eviction proceedings.

If, when so required by a third disruptive conduct report, the occupant has not voluntarily moved or the owner has not initiated eviction proceedings, and there is no appeal pending, the time for filing an appeal and for compliance as required by the decision of the Board has expired, the public officer shall institute revocation of the rental permit per the provisions set forth in this Chapter.

G. FEE

The fee for filing of an Appeal to the Housing Board of Appeals shall be \$50. Failure to submit the appropriate fee with the request for an appeal shall result in automatic denial of the appeal.

§11-126 APPEAL TO COURT OF COMMON PLEAS

Any person, including the police officer or public officer for the City, aggrieved by any decision of the respective Board, may appeal to the Court of Common Pleas of Berks County. Such appeal shall be made by a duly verified petition in accord with the Pennsylvania Rules of Civil Procedure and shall set forth the factual and legal basis upon which the decision of the Board is alleged to be illegal, in whole or in part. Such

petition shall be filed with the Court of Common Pleas and a notice thereof served upon all parties to the appeal before the Housing Board of Appeals, including the Board and City of Reading, within thirty (30) days after service of the decision.

§11-127 SHARE INFORMATION

The City of Reading Codes Enforcement Division is authorized to share any and all information obtained under this Code with other Departments and Divisions of the City of Reading.

§11-128 COMPLIANCE WITH OTHER CITY OF READING ORDINANCES

Every owner of every dwelling, in addition to the provisions set forth herein, shall comply with the provisions (sections) of all other applicable City Ordinances, including but not limited to the International / City of Reading Building Code, Existing Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fire Code, and Residential Code, Property Maintenance Code, Solid Waste and Recycling Ordinance, Health Code and Zoning Ordinance.

ADDENDUM TO RENTAL AGREEMENT

This Addendum to Rental Agreement is made this day of _____, _____, 20____ and is incorporated into and shall be deemed to amend and supplement the Rental Agreement made by the undersigned Tenant and Landlord, their heirs, successors and assigns, dated _____. The Rental Agreement and this Addendum pertain to the premises described in said agreement and located at _____.

This Addendum is required by the Certification of Rental Units Ordinance of the City of Reading.

ADDITIONAL COVENANTS AND OBLIGATIONS

In addition to the covenants and obligations set forth in the aforementioned Rental Agreement, Tenant and Landlord hereby covenant and agree as follows:

A. Landlord's Covenants and Obligations:

1. Landlord shall keep and maintain the leased premises in compliance with all applicable Codes and Ordinances of the City of Reading and all applicable state laws and shall keep the leased premises in good and safe condition.

2. The local responsible agent for the leased premises shall be as follows:

Name

Address

Telephone Number

3. The Landlord shall be responsible for regularly performing all routine maintenance, including lawn mowing and ice and snow removal, and for making any and all necessary repairs in and around the leased premises, except for any specific tasks which the parties hereby agree shall be delegated to the Tenant and which are identified as follows:

4. The Landlord shall promptly respond to reasonable complaints and inquiries from the Tenant.

5. The Landlord shall comply with all applicable provisions of the Landlord/Tenant Act of the Commonwealth of Pennsylvania.

B. Tenant's Covenants and Obligations:

1. Tenant shall comply with all applicable Codes and Ordinances of the City of Reading and all applicable state laws.

2. Tenant agrees that the maximum number of persons permitted within the regulated rental unit at any time shall be five and the maximum number of persons permitted within the common areas of the leased premises at any time shall be five.

3. Tenant shall dispose of all rubbish, garbage and other waste from the leased premises in a clean and safe manner and shall separate and place for collection all recyclable materials in compliance with the City of Reading's Solid Waste and Recycling Ordinances.

4. Tenant shall not engage in any conduct on the leased premises which is declared illegal under the Pennsylvania Crimes Code or Liquor Code, or the Controlled

Substance, Drug, Device and Cosmetic Act, nor shall Tenant permit others on the premises to engage in such conduct.

5. Tenant shall use and occupy the leased premises so as not to disturb the peaceful enjoyment of adjacent or nearby premises by others.

6. Tenant shall not cause, nor permit nor tolerate to be caused, damage to the leased premises, except for ordinary wear and tear.

7. Tenant shall not engage in, nor tolerate nor permit others on the leased premises to engage in "disruptive conduct" which is defined as "any form of conduct, action, incident or behavior perpetrated, caused or permitted by any occupant or visitor of a rental unit that is so loud, untimely (as to hour of the day), offensive, riotous or that otherwise disturbs other persons of reasonable sensibility in their peaceful enjoyment of their premises or causes damage to said premises, such that a report is made to a Police Officer and/or a Public Officer complaining of such conduct, action, incident, or behavior. It is not necessary that such conduct, action, incident or behavior constitute a criminal offense, nor that criminal charges be filed against any person in order for said person to have perpetrated, caused or permitted the commission of disruptive conduct as defined herein. Provided, however, that no disruptive conduct shall be deemed to have occurred unless a Public Officer or a Police Officer shall investigate and make a determination that such did occur, and keep written records, including a Disruptive Conduct Report of such occurrence. The tenant and the owner, operator, responsible agent or manager shall be notified of any such occurrences in writing."

8. Tenant acknowledges and agrees that this tenancy is subject to the provisions of the Codified Ordinances of the City of Reading including but not limited to the Housing Ordinance/ Code, the Health Code, the Property Maintenance Code and the Solid Waste and Recycling Ordinances, and that the issuance by a Public Officer or Police Officer of the City of Reading of three disruptive conduct reports in any 12-month period relating to the leased premises shall constitute a breach of the rental agreement of which this addendum is a part. Upon such breach, Landlord shall have the right and option to pursue any and all of the following remedies:

a. Termination of the rental agreement without prior notice; and

b. Bring an action to recover possession of the leased premises without abatement of rents paid, including reasonable attorney's fees and costs; and

c. Bring an action to recover the whole balance of the rent and charges due for the unexpired lease term, including reasonable attorney's fees and costs; and

d. Bring an action for damages caused by Tenant's breach, including reasonable attorney's fees and costs.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

WITNESS

TENANT

WITNESS

TENANT

WITNESS

TENANT

WITNESS

TENANT

WITNESS

TENANT

WITNESS

TENANT

SECTION 2. The Disruptive Conduct Board of Appeals shall be renamed to the Housing Board of Appeals. The current members of the Disruptive Conduct Board of Appeals shall remain in place and their terms shall be calculated commencing on the initial date of their appointment to the prior Disruptive Conduct Board of Appeals

SECTION 3. All other provisions of the City of Reading Codified Ordinances non inconsistent herewith shall remain in full force and effect. All other provisions of the City of Reading Codified Ordinances inconsistent herewith are repealed as of the effective date of this Ordinance.

SECTION 4. If any section, subsection, sentence or clause of this ordinance is held, for any reason, to be invalid, such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 5. The headings of the Sections and subsections of this Ordinance are for guidance only and shall not be utilized to interpret the language of the Ordinance.

SECTION 6. This Ordinance shall become effective ten (10) days after its approval, in accordance with Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2007

Vaughn D. Spencer, President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

A N O R D I N A N C E

AMENDING THE CODIFIED ORDINANCES CHAPTER 1, SECTION 599.25, CHARTER BOARD ORDINANCE - ENFORCEMENT; VIOLATIONS & PENALTIES.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the Codified Ordinances Chapter 1 Section 599.25, Charter Board Ordinance – Enforcement; Violations and Penalties as follows:

I. Right to Appeal.

(1) Any person aggrieved by an adjudication of the Board who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals pursuant to Title 42 (relating to judiciary and judicial procedure). All such appeals shall be conducted in accordance with the Local Agency Law, 2 Pa.C.S.A. §§751-754.

(2) In the instance of an appeal from an adjudication of the Board, representation of the Board shall be by its Solicitor.

J. Protection of Complainant. No person may be penalized, nor any employee of the City be discharged, suffer change in his/her official rank, grade, or compensation, denied a promotion, or threatened, for a good faith filing of a complaint with the Board, or for providing information or testifying in any Board proceeding.

K. Costs of Charter Enforcement. Any person who prevails in any legal action against the City, its officers or agents to enforce this Charter or the administrative Code pursuant to it, shall be entitled to recover all reasonable attorney's fees and costs incurred in such action.

2. Violations and Penalties.

A. Violations. The violation of any Section of the Charter or Administrative Code, in whole or in part, shall constitute a violation under the jurisdiction of the Board, except that the Board's jurisdiction shall not extend to cases arising under either the Ethics Code or the Personnel Code.

B. Penalties; Other Remedies.

(1) **Penalties.**

(a) Factors to be considered. Before the imposition of any penalty (as opposed to restitution or other remedy) the Board shall consider the following factors and address the relevant factors in its Final Order:

- 1) The seriousness of the offense.
- 2) The substantive effect the offense has on the application of the Charter and its purposes.
- 3) Whether the subject of the complaint has had previous decisions entered against him/her by the Board.
- 4) The number of violations involved.
- 5) Whether the violations were the result of willful or intentional conduct, recklessness, negligence, oversight or mistake.
- 6) The consequences of the violation.
- 7) Any other factors relevant in determining the type and severity of the penalty to be imposed.

(b) **Penalties.** Upon the finding of any violation, the following penalties shall be available to the Board for imposition, in addition to and notwithstanding restitution and other remedies listed in subsection 2) below:

- 1) Admonition, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, a letter to the respondent, the Mayor, the Managing Director, and Director of the Department in which the respondent is employed, if any, and the complainant, if any, indicating that the respondent has been found to have violated the Charter or Administrative Code.
- 2) Public Censure, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any, and the news media indicating that a violation of the Charter or Administrative Code took place and that the Board strongly disapproves of the public official's or public employee's actions.
- 3) ~~Suspension, without compensation for a stated period of time not to exceed 30 days, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.~~
- 4) ~~Termination, in compliance with existing personnel practices, collective bargaining agreements and/or statutes, with notification to the respondent, the Mayor, the Managing Director, the Director of the Department in which the respondent is employed, if any, and the complainant, if any.~~
- 5) Referral to the appropriate authorities for criminal prosecution in cases where a violation of the Charter or Administrative Code is also a violation of Federal or State law.

~~6) Imposition of a fine, not to exceed \$1,000 per violation.~~

7) Imposition of an administrative fine of not more than \$1,000 to defray the actual cost and expense of investigating any violation.

(2) **Other remedies.** Upon the finding of any violation, the Board may take one or more of the following actions, in addition to and notwithstanding the penalties listed in subsection .2.b(1)(b) above:

(a) Order the subject to make restitution to those incurring damage or injury as a direct result of the actions of the subject that have been adjudicated as a violation of the Administrative Code or Charter.

(b) Order the subject to cease and desist from engaging in a particular activity that is in violation of the Administrative Code or Charter.

(c) Order the subject to take specified action to bring him/her into compliance with Board directives.

(d) Refer the matter for review or with specific recommendation for action to law enforcement, regulatory or other authorities with jurisdiction over these matters.

(e) Institute appropriate civil or equitable action to enforce the order and decision of the Board.

(f) Recommend to City Council the forfeiture of the office held by the subject with the City in accordance with Charter §§206, 305, and 504.

BILL NO. _____
AN ORDINANCE

AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2007 GENERAL ELECTION BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER BY CHANGING THE DATE FOR THE PRESENTATION OF THE ANNUAL BUDGET.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Directing the Berks County Board of Elections to place the following referendum question to City Voters on the 2007 General Election Ballot:

Shall the City of Reading Home Rule Charter Article IX, Section 902 be amended to require the Mayor to submit the budget to Council on or before ninety (90) days prior to the ensuing fiscal year?

SECTION 2. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Passed _____, 2007

Council President

Attest:

City Clerk
(Solicitor & City Clerk)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

Proposed Referendum Question - Budget

Presentation of Budget

Shall the City of Reading Home Rule Charter Article IX, Section 902 be amended to require the Mayor to submit the budget to Council on or before ninety (90) days prior to the ensuing fiscal year?

Explanation:

The Charter requires the Mayor to submit the proposed Budget to Council 60 days prior to the end of the fiscal year – November 1. The Charter also requires that the budget must be adopted no later than December 15 of each year. Changing the budget submission date to October 1 of each year will provide Council and the Administration with more time to review and amend the proposed

BILL NO. _____
AN ORDINANCE

AN ORDINANCE DIRECTING THE BERKS COUNTY BOARD OF ELECTIONS TO PLACE A REFERENDUM QUESTION BEFORE CITY VOTERS ON THE 2007 GENERAL ELECTION BALLOT WHICH WOULD AMEND THE CITY OF READING HOME RULE CHARTER BY REMOVING THE RELATIONSHIP BETWEEN THE SALARY OF THE MAYOR AND CITY AUDITOR.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Directing the Berks County Board of Elections to place the following referendum question to City Voters on the 2007 General Election Ballot:

Shall the City of Reading Home Rule Charter Article V, Section 502 be amended by removing the relationship between the salary of the Mayor and City Auditor?

SECTION 2. This ordinance shall become effective within ten (10) days of the date of passage and approval by the Mayor or override of the Mayor's veto.

Passed _____, 2007

Council President

Attest:

City Clerk
(Solicitor & City Clerk)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

**Proposed Referendum Question
Mayor and Auditor Salary Relationship**

Separating the Salaries of the Mayor and City Auditor

Shall the City of Reading Home Rule Charter Article V, Section 502 be amended by removing the relationship between the salary of the Mayor and City Auditor?

Explanation:

The Charter currently requires that when the Mayor's salary is increased the salary of the Auditor shall be increased by the same amount. This amendment will allow City Council to increase one salary without affecting the other.

BILL NO. _____

AN ORDINANCE

AN ORDINANCE CREATING THE PROCESS TO IMPLEMENT THE NEW HOUSING PERMIT ORDINANCE, UNDER THE CODIFIED ORDINANCES, CHAPTER 11 HOUSING.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Creating the process to implement the new Housing Permit Ordinance as attached in Exhibit A.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2007

President of Council

Attest:

City Clerk

(Council Staff)

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A

Housing Permit Implementation Process

1. If a dwelling unit, rooming unit or property address, structure or building has the appropriate zoning permit to rent the unit the owner thereof shall proceed under the procedures and application process as adopted by the new Housing Permit Ordinance.
2. If a dwelling unit, rooming unit, or property address, structure or building has historically had housing permits therefor issued by the City of Reading for utilization of such property for rental purpose they may apply for an expedited process established hereby to obtain a zoning permit for utilization of the structure, unit, premise as a rental. The expedited process established hereby by the City of Reading is utilization of an Administrative Hearing Officer. The Administrative Hearing Officer shall be a person appointed by the Zoning Hearing Board for the City of Reading including their solicitor, excluding the City of Reading Zoning Administrator. To proceed under this expedited process an owner must submit an application of a form prescribed by the City of Reading. To qualify and obtain a Zoning Permit per this expedited process, an owner / the premises must meet the criteria established by this Ordinance. The application will be compared to the records of the City of Reading for compliance with the established criteria, should the criteria be complied with the Administrative Hearing Officer will approve the application and instruct the Zoning Administrator for the City of Reading to issue the necessary Zoning Permit. The City of Reading and Zoning Hearing for the City of Reading reserve the right to remove any matter from the Administrative Hearing Officer agenda and refer it through the normal appropriate zoning process. If it is determined that the property does not meet the established criteria, the application will be removed from the agenda of the Administrative Hearing Officer and referred to the appropriate authority for relief, e.g., the normal zoning process, per the City of Reading Zoning Ordinance. For example for **R3, RO, CR, CN, CH rental properties** the appropriate authority for relief or normal zoning process shall be an application to the Zoning Hearing Board for a variance or special exception and for **R1, R1A, R2, RPO rental properties** the appropriate authority for relief or normal zoning process shall be a conditional use hearing before the City of Reading City Council. Obtaining permits under this expedited process shall not remove a property from continued compliance and enforcement of the City of Reading Zoning Ordinance.

The time period for submission of an application and consideration for a zoning permit under the aforesaid established expedited process shall be from August 15, 2007 through and including October 15, 2007. Any application for a zoning permit submitted after this time period, whether it meets the established criteria or not, shall be required to proceed through the appropriate normal course of zoning application. Upon receipt of an application, the City of Reading shall gather the requisite information to determine if the property meets the established criteria for submission of the application to the Administrative Hearing Officer. If it is determined that the established criteria are satisfied, the City of Reading will forward the application to the Administrative Hearing Officer with a recommendation for approval thereof. Should it be determined that the established criteria are not met, the City of Reading will so advise the applicant and in doing so advise that upon submission of the appropriate fee the application will be forwarded to the appropriate authority.

A fee of fifty dollars (\$ 50.00) must be submitted and accompany an application for the expedite process for a zoning permit set forth herein. Said fee is nonrefundable. However, if an applicant is denied the expedited process, the fifty dollars (\$50.00) will be credited toward the requisite fee for application to the appropriate authority for consideration.

Note: Properties in the **R3, RO, CR, CN, CH** zoning districts having an abandoned business use on the first floor and residential living above, convert to residential use under Section 27-607 of the Zoning Ordinance.

3. If a dwelling unit, rooming unit, or property address, structure or building has not historically had housing permits therefor issued by the City of Reading for utilization of such property for rental purpose, was removed at the discretion of the City of Reading or Zoning Hearing Board for the City of Reading from the expedited process or fails to meet the established criteria for the applicable zoning district, shall be required to apply for and proceed through a hearing with the appropriate authority, normal course, dependent upon the zoning district, either the Zoning Hearing Board for a special exception or variance or the City Council for the City of Reading for a conditional use.

Criteria Summary

A. *R3, RO, CR, CN, CH Zoning Districts*

1. Housing Permit for 5 concurrent years, without record of City legal action compelling owner to obtain such permits
2. Property Maintenance Inspection within the last five (5) years with no outstanding issues.
3. No guilty verdicts regarding property maintenance code or other life, safety and health code violations within the last 12 months.
4. Rental Units meeting Zoning Square Footage Specifications.
5. Complies w/ Roommate Housing Ordinance or has previously obtained approval and registered as a non-conforming use from said requirement.
6. Property Meets Zoning Utility Facility Requirements

B. *R1, R1A, R2, RPO Zoning Districts*

1. Housing Permit for 10 concurrent years, without record of City legal action compelling owner to obtain such permits
2. Property Maintenance Inspection within the last five (5) years with no outstanding issues.
3. No guilty verdicts regarding property maintenance code or other life, safety and health code violations within the last 12 months.
4. Rental Units meeting Zoning Square Footage Specifications.
6. Complies w/ Roommate Housing Ordinance or has previously obtained approval and registered as a non-conforming use from said requirement.
7. Property Meets Zoning Utility Facility Requirements
8. Property has 1.5 off street parking spaces per unit or has received a Variance from the Zoning Hearing Board.

Criteria Detail

- Property has had **active housing permits** for all units for a **ten (10) year period for for properties in the R1, R1A, R2, RPO Zoning Districts** and for a **five (5) period in the R3, RO, CR, CN, CH Zoning Districts** without record of City legal action compelling owner to obtain such permits, and
- Property must have had an **Property Maintenance Inspection within the past five (5) years**, and
- **No guilty verdicts regarding property maintenance code** or other life, safety and health code violations within the last twelve (12) months, and
- **Property Taxes are current**, and
- **Tenant List** is provided, and
- **City Utility Bills and fees are current**, and
- Copy of valid **Trash Contract**
- Proof of participation in City **Recycling** Program
- Copy of sample **lease**
- Proof of **Property Insurance**
- Listing of all rental properties owned
- Copy of **Business Privilege License**
- **Address of property** and number of units therein
- **Contact information** and proof of ID for Property Owner and Manager, if owner does not reside within Berks County
- Rental units **meet the specifications Zoning Ordinance 27-1202 4 B**
 - Apartment Square Feet
 - Efficiency or Studio 400
 - One Bedroom 550
 - Two Bedroom 700
 - Base Apartment Unit 800
 - Three Bedroom Unit 850, and
- **Utility facilities shall meet the requirements under Zoning Ordinance 27-1202 (4) (C),**
 - Documents indicating to the Board's satisfaction that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use, and
- **Properties in R1, R1A, R2, or RPO Zoning Districts must have 1.5 off street parking spaces per unit or have a Variance** from the City of Reading Zoning Hearing Board, and
- Property must be in **compliance with Zoning Ordinance 27-1202 (16) Roommate Housing Arrangements.** (as defined in §27-2202, "roommate households"), when exceeding three non-related persons living in one

dwelling unit, require review and approval by the Zoning Hearing Board as a special exception review. The applicant must present to the hearing board:

A site plan and architectural plans, drawn to scale. These plans must show the location and dimensions of off-street parking, private entrances, walkways, the dimensions and square footage of each room and storage space and shall indicate the intended use of each room.

B. The Roommate Housing Arrangement must meet the standards of the City of Reading building, housing and fire codes as required for residential rental properties. The owner must verify to the City of Reading on an annual basis that the building meets all of the plumbing, electrical, heating, building, fire, and similar standards set by the City and by the Commonwealth of Pennsylvania.

C. No cooking facilities of any kind shall be located in any room except the central kitchen.

D. Every bedroom shall be at least 70 square feet of floor area and there shall be no more than two occupants per bedroom.

E. No basement or cellar shall be used as a habitable bedroom except by special approval and variance.

F. No Roommate Housing Arrangement shall be located within 800 feet of another Roommate Housing Arrangement except by special approval and variance.

BILL NO. _____-2007

A N O R D I N A N C E

AUTHORIZING THE MAYOR TO EXECUTE THE LEASE BETWEEN THE CITY OF READING AND CITIZENS BANK OF PENNSYLVANIA, FOR CERTAIN PROPERTY TO BE USED AS AN AUTOMOBILE PARKING LOT.

WHEREAS, the City of Reading is the legal owner of certain property fronting on the West side of Centre Avenue, South of Cathedral Street and North of First Energy Stadium as set forth in the attached agreement; and

WHEREAS, an agreement is currently in place between the City of Reading and Citizens Bank of Pennsylvania whereby the aforementioned property is used as a parking lot, as described in the attached agreement; and

WHEREAS, Citizens Bank of Pennsylvania desires to amend the present agreement, in order to extend the term for four (4) additional five (5) year terms.

NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. The Mayor is authorized to execute any and all documents necessary to effectuate the amendment of the lease between the City of Reading and Citizens Bank of Pennsylvania, extending the lease of certain property used as an automobile parking lot for four (4) additional five (5) year terms.

SECTION 2. This Ordinance shall be effective ten (10) days after passage.

Enacted _____, 2007

President of Council

Attest:

City Clerk
(Council Staff)

FIRST AMENDMENT TO AGREEMENT OF LEASE

THIS FIRST AMENDMENT TO AGREEMENT OF LEASE (this "Amendment") is made and entered into this ____ day of June, 2007 by and between CITY OF READING, PENNSYLVANIA, a Pennsylvania municipal corporation, with its offices located at 815 Washington Street, Reading, Pennsylvania (hereinafter called "Landlord") and CITIZENS BANK OF PENNSYLVANIA, a Pennsylvania financial institution, with its offices located at 801 Market Street, Philadelphia, PA 19107 (hereinafter called "Tenant").

WITNESSETH:

WHEREAS, Landlord and Tenant entered into that certain Agreement of Lease (the "Lease") dated August 11, 2003 and a certain prior Agreement of Lease, whereby Landlord demised and leased to Tenant that certain premises situated on a parcel of land fronting on the West side of Centre Avenue, South of Cathedral Street and North of First Energy Stadium in the City of Reading, County of Berks, State of Pennsylvania for use as an automobile parking lot, as more particularly described in the Lease (hereinafter called the "Premises") and

WHEREAS, Landlord and Tenant desire to amend the Lease in order to (i) grant Tenant the option to extend the term of the Lease for four (4) additional five (5) year terms, (ii) grant Tenant the right to transfer, assign or convey all of Tenant's right, title and interest in, to and under the Lease to Inland (as defined below) or any other third (3rd) party at any time during the term of the Lease without obtaining the consent or approval of Landlord and (iii) make other agreements all on the terms and conditions provided herein.

NOW THEREFORE, Landlord and Tenant, in consideration of the mutual promises and covenants contained herein and in the Lease, and intending to be legally bound hereby, agree to amend the Lease as follows:

1. Landlord and Tenant agree and acknowledge that the current term of the Lease commenced on April 1, 2004 and expires on March 31, 2009 (the "Initial Term"). Landlord and Tenant further agree and acknowledge that Tenant by giving Landlord twelve (12) months written notice of its intention to do so, may extend the Initial Term for one (1) additional five (5) year period running from April 1, 2009 until March 31, 2014, under the same terms and conditions of the Lease with the exception of the payment of rent (the "First Extended Term"). Landlord hereby agrees to grant Tenant the option to further extend the First Extended Term for four (4) additional extended terms of five (5) years each (the "Additional Extended Term(s)"). Tenant may exercise its option to extend for any Additional Extended Term(s) by giving written notice to Landlord at any time during the then existing term of the Lease, but no later than twelve (12) months prior to the end of the then existing term. All of the terms and conditions applicable during the term shall apply during any Additional Extended Term(s), except for rent. In

the event Tenant exercises an Additional Extended Term(s) as provided herein, the rent payable under the Lease shall increase at the greater of the following: (i) three (3%) percent per annum during each year of the Additional Extended Term(s), as exercised by Tenant (for example, if Tenant exercises the first Additional Extended Term, Tenant shall pay rent to Landlord in the amount of TWO THOUSAND ONE HUNDRED NINETY FOUR DOLLARS AND FORTY NINE CENTS (\$2,194.49) per month beginning April 1, 2014, and on the first day of each month thereafter through March 31, 2015, thereafter the rent shall again increase as provided herein.) or (ii) effective as of the first day of the second and each subsequent lease year throughout the Additional Extended Term(s) as exercised by Tenant, the rent payable by Tenant shall be increased by an amount determined by multiplying the rent payable during the then current lease year by the CPI Increase. The term "CPI Increase" shall mean a fraction, expressed as a decimal, the numerator of which is the Current CPI minus the Prior CPI and the denominator of which is the Prior CPI. The "Current CPI" is the CPI for the calendar month that is three months prior to the first calendar month of the lease year for which the rent increase is being calculated (e.g., January 2014 for a Lease Year commencing April 1, 2014) and the "Prior CPI" is the CPI for the calendar month that is fifteen months prior to the first calendar month of the lease year for which the yearly rent increase is being calculated (e.g., January 2013 for a Lease Year commencing April 1, 2014). The term "CPI" shall mean the "Consumer Price Index for All Urban Consumers (CPI-U)" published by the Bureau of Labor Statistics of the United States Department of Labor, All Items (1982-84=100), U.S. City Average, or any successor index thereto, appropriately adjusted. If the CPI ceases to be published and there is no successor thereto, such other government or non-partisan index or computation shall be used which would obtain a substantially similar result as if the CPI has not been discontinued. Notice of the new rent shall be delivered to Tenant twenty (20) days prior to the effective date of any such adjustment, but any failure to do so by Landlord shall not be or be deemed to be a waiver by Landlord of Landlord's rights to collect such sums.

2. Notwithstanding the provisions contained in the Lease to the contrary, Landlord expressly and irrevocably agrees, acknowledges and consents to Tenant transferring, assigning or conveying all of Tenant's right, title and interest in, to and under the Lease to Inland American CFG Pennsylvania Portfolio DST, a Delaware statutory trust ("Inland") or to any other third (3rd) party at any time during the term of the Lease and agrees that the assignment shall not be a default under the Lease. Upon any such transfer, assignment or conveyance of the Lease, Landlord hereby releases Tenant, its affiliates, and their respective officers, directors, agents and employees from any and all liability under the Lease regardless of when such liability arose, excepting only rental payments accruing up through the date of transfer, assignment or conveyance to Inland or such third (3rd) party.

3. In the event that Landlord reasonably determines that the Premises should be included in a future development project for an abutting land owner in the City of Reading, Pennsylvania Landlord reserves the right, to require Tenant, upon one hundred eighty (180) day's prior written notice to Tenant, to cease its parking activities

at the Premises and relocate (the "Relocation Right") its parking activities to a new parking area owned by Landlord (the "New Premises"). In the event Landlord exercises the Relocation Right, the Relocation Right shall not be deemed validly exercised by Landlord unless the New Premises meets all of the following requirements: (i) the New Premises is a reasonable distance from the Premises but no greater than twenty (25) feet linear feet from the front of the Premises; (ii) The New Premises contains the same or a greater amount of dedicated parking spaces for Tenant's exclusive use and (iii) The New Premises is of substantially equivalent size, shape, condition and configuration and is provided to Tenant at no additional cost or expense to Tenant. If the Relocation Right is validly exercised by Landlord it shall be on all of the same terms and conditions of the Lease.

4. Except as expressly modified herein, the terms and conditions of the Lease shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties aforesaid have hereunto set their hands and seals the day and year first above written.

LANDLORD:

Attest:

CITY OF READING, PENNSYLVANIA

By: _____

By: _____

Name:

Name:

Title: City Clerk

Title:

TENANT:

Attest:

CITIZENS BANK OF PENNSYLVANIA

By: _____

By: _____

Name:

Name:

Title:

Title:

B I L L N O. _____
A N O R D I N A N C E

**AMENDING THE CITY OF READING CODIFIED BY ADDING A NEW PART 17
TO CHAPTER 10 HEALTH AND SAFETY ADOPTING REGULATIONS
GOVERNING THE SIDEWALK VENDORS IN THE CITY OF READING.**

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Amending the Codified Ordinances by adding Part 17 Sidewalk Vendors to Chapter 10 Health and Safety as attached in Exhibit A and adding the associated fees to the City of Reading Fee Schedule.

SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted _____, 2007

President of Council

Attest:

City Clerk

Submitted to Mayor: _____

Date: _____

Received by the Mayor's Office: _____

Date: _____

Approved by Mayor: _____

Date: _____

Vetoed by Mayor: _____

Date: _____

EXHIBIT A SIDEWALK VENDORS

§10-1700 Purpose. The purpose of this ordinance is to provide for the regulation of sidewalk vendors in the City of Reading to promote an active and attractive pedestrian environment. The City of Reading has the responsibility to provide public safety for pedestrians and to protect public facilities. Whereby, reasonable regulation of sidewalk vendors is necessary to protect the public health, safety, and welfare in the public right of way. It is the finding of City Council that the regulation of sidewalk vendors is necessary to promote the orderly and efficient use of sidewalks, to prevent undue interference with established businesses and to assure the performance of essential utility, traffic control and emergency services.

§10-1701 Title. This ordinance shall be known as the Sidewalk Vendor Ordinance.

§10-1702. Interpretation. *The provisions of this Ordinance shall be construed to be the minimum requirements necessary to serve the general welfare and safety of the residents of the City of Reading. Where the provisions of any statute, other ordinance or regulation impose greater restrictions or higher standards than those enumerated in this Ordinance, the provisions of such statute, ordinance or regulation shall govern.*

§10-1703. Definitions. For the purpose of this article, certain terms shall be defined as follows:

Kiosk. A freestanding structure upon which temporary information and/or posters, notices and announcements are posted; an open gazebo, pavilion or similar structure used as a newsstand, refreshment booth or the like

Official Map. The topographical survey of the City of Reading, Pennsylvania on file in the Engineering Office.

Passable. Free of any impediment or obstruction, whatsoever, that would hinder the

travel of the public.

Public right-of-way. Any place of any nature which is legally open to public use and used and/or intended for vehicular or pedestrian traffic, including public streets, alleys, sidewalks, and roadways, but excluding any public property of the City of Reading. The official topographic survey map of Reading, Pennsylvania, on file in the Engineering Office shall be the final authoritative document should the existence of any street, dedicated or not be disputed.

Public outdoor pay telephone. Any outdoor publicly accessible pay telephone any portion of which, or its enclosure, it situated on, projects over, or hangs over a portion of the public right-of way; or is situated such that it can be used by a person standing on the public right-of way.

Public property. All real and personal property, whether within or outside the corporate City limits, belonging to the City of Reading, excluding that which is used and/or intends for use by vehicular or pedestrian traffic and defined herein as a public right-of-way.

Sandwich board. Any portable sign which is intended, by design, use or construction, to be used by resting upon the ground for support and may be easily moved or relocated for reuse.

Sidewalk. That portion of a public right-of-way for which paving is required under this Chapter of the Codified Ordinances of the City of Reading and which is used primarily for pedestrian travel.

Sidewalk area. That portion of the public right-of-way occurring between the curbline and the topographical building line.

Sidewalk vendor. Person or persons who exhibits, displays, or sells any food, beverage, goods, printed materials or merchandise from and stand, cart vending machine or trailer while on or about the sidewalk area.

Sidewalk Vendor License. The written authorization, issued by the City of Reading, to construct, install, erect, or place any obstruction within the public right-of-way. *The license must be displayed prominently on each stand, cart, trailer and/or obstruction.*

Stand. Any structure, device or object erected, installed, or placed within any portion of the public right-of-way or chained, bolted or otherwise attached to a building or structure in such a manner that any portion of said structure, device or object projects over or into the public right-of-way used to exhibit, display or sell food or goods. Stands shall include but are not limited to kiosks, newsracks, newsstands, outdoor pay telephones, sandwich boards, stands, street furniture and vending machines. The terms tables, carts, stands and trailers shall be used interchangeably throughout this ordinance and should be construed to the same meaning.

Trailer. Vehicle designed to be towed by a motor vehicle.

Vending Cart. Small, light vehicle moved by hand for the purpose of conducting food sales.

Vending License Board. Board authorized to approve permits and the location of sidewalk vendors, pursuant to §10-1708.

Vending Machine. Any self-service device that provides for the sale or distribution of food, beverage or goods, newspapers, other printed materials either in bulk or in package, without the necessity of replenishing the device between each vending operation.

Commercial Core Zoning District is defined as the downtown center for government services, offices, shopping, hotels, entertainment and cultural activity. Please see the City of Reading Zoning Map.

§10-1703. License Required. It shall be unlawful for any person to engage in the business of a sidewalk vendor within the City of Reading without first obtaining a license pursuant to this Section. Such sidewalk vending activities are only permitted within the Commercial Code Zoning District *and between the southern border of Franklin Street, the northern border of Washington Street, the western border of 8th Street and the eastern border of 11th Street.*

The restrictions of this section shall not apply to itinerant food operations associated with the organized festival, carnival, fair, parade, picnic or other affair that may be approved or sponsored by the City or its associated bureaus or agencies, in such areas which may be designated and approved for itinerant food operations on a temporary basis.

(a) Location, Type and Number. A sidewalk vendor license shall only be issued for and restricted to vendor sales from an approved stand at specific and fixed locations within the Commercial Core Zoning District. All sidewalk vending shall be conducted within the public right-of-way, as defined herein. Vending on private property shall follow provisions set forth in the City of Reading Zoning Ordinance for the zoning district in which the vendor is located.

Ten (10) sidewalk vending licenses shall be issued for food-related sales annually per District as determined by the Vending License Board. Ten (10) sidewalk vending licenses for self-serve vending machines. The Vending License Board shall determine the exact location of each vendor or vending machine in each district. The City may increase or decrease the

number and locations of the sidewalk vendors at any time with proper notification to the vendors. The City may, if necessary, temporarily relocate any or all vendor(s) by giving the vendor(s) forty-eight (48) hour notice.

(b) More Than Two Licenses Prohibited. A person who holds or has an interest in two sidewalk vendor licenses as an owner, partner or shareholder shall not have any additional interest, either directly or indirectly, as an owner, partner or shareholder in any other sidewalk vendor license.

(c) License Nontransferable. A sidewalk vendor license shall not be transferable to another holder except upon the permanent disability of the holder, and any prohibited transfer of the license shall work an automatic forfeiture thereof. If the license holder is not a natural person, the transfer of any ownership interest in the holder of the license shall be deemed a prohibited transfer.

§10-1704. Permitting for Sidewalk Vendors Outside the Permitted Area.

Applications for sidewalk cafes outside the Commercial Core zoning district shall be submitted to the Codes Enforcement Office in accordance with the regulations contained herein. Such applications shall be forwarded to City Council for approval.

§10-1705. LICENSE APPLICATION

(a) Notice of License Availability. Applications for sidewalk vending licenses will be available between November 1 and November 15 in the City of Reading Codes Office. Notice of such availability will be made through a newspaper of general circulation not more than 30 days nor less than 14 days prior to November 1.

(b) Application. Any person interested in applying for a sidewalk vendor's license may, after public notice listed above, make application by filing such forms containing the required information with the City of Reading Codes Office with a nonrefundable application fee of Fifty Dollars (\$50.00) no later than 4 p.m. on November 15^h. The application shall at a minimum set forth:

1. True name and address of the applicant. P.O. Boxes will not be permitted.
2. Names and addresses of any employees, other than the owner, who operate the stand.
3. Photographs and specifications of the proposed sidewalk vendor cart(s), stand(s) or trailer(s) to be used in sufficient detail showing

compliance with the design criteria, standards, and specifications in §10-1705 herein.

4. Sufficient detail about the proposed sidewalk vendor and the products proposed for sale must be submitted with the application for evaluation and compliance with applicable City and State Health Codes, along with copies of the required City and State Health Permits.
5. A copy of the applicant's Business Privilege License.
6. A copy of the permit allowing for the use of on-unit heating, cooking, water, electrical or cooling devices. Utility connections to neighboring properties shall be prohibited.
7. A complete listing of the items to be offered for sale or distribution.

Applications will be initially reviewed by the Codes Office for completeness. Incomplete applications may be amended one time and resubmitted on or before November 15th as stated above.

(c) **Review of Applications.** Not more than forty-five (45) days following application deadline, the Vending License Board shall complete the review of all applications filed and notify the applicants of the results thereof in writing. An application shall be denied and the applicant shall be ineligible for a sidewalk vendor license if:

1. The application is incomplete in any material respect.
2. The proposed vending cart does not comply with the cart design criteria, standards or specifications and/or applicable health requirements.
3. The applicant does not have a Business Privilege License.
4. The applicant, or any natural person having an interest in the entity making the application has:
 - A. An interest in more than two sidewalk vendor licenses; or
 - B. Within the past five (5) years held or had an interest in a sidewalk vendor license that had been revoked; or
 - C. Within the past ten (10) years been convicted of selling, offering to sell or possession with intent to sell a controlled substance or convicted of a felony.
5. If an application is denied, the applicant shall be notified in writing of the reason(s) therefore.

- (d) Each license shall be issued for one calendar year, February 1 to January 31st, and shall be subject to review during the calendar year for adherence to the requirements of this Ordinance.

§10-1706. DESIGN STANDARDS

(a) Design and Appearance.

1. General Requirements: All sidewalk vendor carts, trailers or stands shall be designed to be attractive, easily maintained in a sanitary condition, and mobile. There will be no fixed design as such; however, literature on designs, manufacturers, costs and similar details will be available in the City Codes Office.

In addition, vending must comply with state and local health and sanitation requirements on such matters as refrigeration, cooking, utensils and appliances, materials and food storage. A health permit must be obtained by all vendors selling food before operation of sales begins.

2. Required Physical Features:
 - A. The dimensions of the vending shall not exceed 4'x 8'. This is the largest in operation size and states the largest exterior dimensions permitted (including wheels, handles and similar parts). Fold-out shelves for larger merchandise are permitted, provided there will be no interference with pedestrian movement.
 - B. Mobility: Vending carts must have at least two wheels. They must permit easy movement and maneuverability in the event of emergency and required relocation.
 - C. License Display: The vending license must be clearly displayed on the cart in such a manner and location as to be clearly visible to customers.
 - D. Trash Receptacles: Each vending cart will have provisions for vendor and customer trash disposal. Vendors are responsible for proper disposal of this trash whenever the container becomes full or at a minimum at the conclusion of the day's operation.
 - E. Covers: Umbrellas or canopies are desirable. The umbrella must not conflict with public passage on the right of way, nor be obtrusive to vendors' signs or neighboring business. The cover must be well maintained.

- F. Utility Connections: utility connections for water, cooking, cooling, electric, heating, etc must be contained in the unit. Utility connections to neighboring properties shall be prohibited.
 - G. Fire: A Five Pound ABC type dry chemical fire extinguisher is required for all vending carts utilizing a flame for any purpose.
 - 3. Prohibited Features.
 - A. Advertising other than the name of the vendor's business or suppliers. (Advertising must appeal to the sensibilities of the general public.)
 - B. Propulsion systems other than manual.
 - C. Gas cylinders larger than twenty pounds.
 - D. Vending directly from a motor vehicle is prohibited except for those provisions under .05(a).
 - 4. Waivers will not be permitted for any requirement based on health, safety or sanitation considerations.
- 5. ~~All carts shall comply with standards and specifications described herein and adopted by the City. Failure to comply shall be sufficient grounds for rejection of a vending license application or suspension or revocation of any license issued.~~
- (b) **Maintenance.** All sidewalk vendor carts shall at all times be maintained in good condition and repair. Any repairs to or replacements of sidewalk vendor carts shall comply fully with the existing design criteria, standards and specification. No replacement cart may be placed into operation until approved.
- (c) **Carts Self Contained.** All sidewalk vendor carts shall be so designed that all sale activities, including trash disposal facilities, can be conducted totally from the vending cart. Use of the sidewalk by a vendor for product display, storage, or disposal of trash shall be prohibited.
- (d) **Sign.** No sign shall be permitted except an identification of the vendor's business name and the listing of items available to sale and the price thereof. The sign must not be obtrusive to the public way or conflict with neighboring businesses.

§10-1707. SIDEWALK VENDOR OPERATION STANDARDS

(a) **Days and Hours of Operation.** Sidewalk vendor sales may be conducted daily between the hours of 9:00 a.m. and 5:00 p.m. from October 1 through March 31 of each year and between the hours of 9:00 a.m. and 7:30 p.m. from April 1

through September 30 of each year, unless otherwise permitted or restricted by regulations adopted by the City.

(b) Daily Removal. Sidewalk stands and accouterments shall be removed from the sidewalk daily, not later than ½ hour after the close of business or and not returned thereto earlier than ½ hour before the time permitted for opening, unless otherwise provided by the regulations adopted by the City. Any item not removed from the sidewalk at the close of business may be removed and stored by the City of Reading. The Vendor will be charged for costs, storage and the penalty prescribed under §10-1710 herein.

(c) Safe and Sanitary Condition. Sidewalk vendor carts and vending areas shall be maintained in a safe, broom-clean and sanitary condition at all times.

Sidewalk vendor carts licensed hereunder to sell food products shall:

1. Be subject to inspection at any time by a City of Reading Codes Inspector and shall at all times be licensed under and be in compliance with all applicable state and local codes.
2. If using portable heating or cooking facilities, subject to inspection at all times by the City of Reading Fire Marshal and Codes Office and shall comply with all applicable codes of the City of Reading. A permit must be obtained from the Fire Marshal before operation of sales begins.

(d) Quiet Operations. Sidewalk vendors shall conduct business in an orderly fashion and shall not make loud or raucous noises or use sound amplifying devices to attract attention, nor verbally hawk or solicit product sales to pedestrians or motorists.

(e) Use and Maintenance of Sidewalk. All sales and related activity shall be conducted from the vending area during which times the vending cart shall not be moved from the assigned vending location. No products shall be stored or displayed, on the sidewalk or any adjacent outside area. The Sidewalk Vendor shall be solely responsible to keep the sidewalk area free of trash, litter, debris or spillage generated by the vendor's business. The vending cart shall be placed so as not to impede the free movement of pedestrian traffic. The use of tables, chairs, benches, etc. around the vending cart is strictly prohibited.

(f) Public Liability Insurance. Each license holder shall maintain and provide the City of Reading with proof thereof, insurance for public liability, with minimum coverage of \$100,000 per individual and \$500,000 per incident.

(g) Prohibitions. An object, device or structure as regulated under the terms of this Ordinance shall be expressly prohibited when

its construction, erection, installation or placement would result in any of the following conditions:

- (1) A passable sidewalk width less than five (5) horizontal feet; *and***
- (2) A horizontal projection from the building line in excess of five (5) feet; *and***
- (3) A reduction in sight triangle;**

§10-1708. SUSPENSION OR REVOCATION OF LICENSE

~~license shall be subject to suspension or revocation by the City for violation of any provision of this Ordinance or any regulations promulgated or enacted hereunder, or violation of applicable state or local, including but limited to all health or safety regulations, zoning and taxation.~~

§10-1709. VENDING LICENSE BOARD

The Vending License Board shall consist of the one (1) Member of the Board of Directors of the Reading Downtown Improvement District Authority (DID) or their designee, one (1) member of the City of Reading Planning Commission or their designee, one (1) employee from the Codes Office, Reading Police Traffic Enforcement and Public Works.

Responsibilities. The Vending License Board shall have the following responsibilities and duties:

- 1. Meet no later than December 30th annually to review and approve vendor license applications.
- 2. Determine vendor locations for each approved applicant within the Commercial Core Zoning District.
- 3. Recommend amendments to this Ordinance to the Council of the City of Reading.

§10-1710. ENFORCEMENT

This Ordinance will be enforced under the jurisdiction of the City Codes Office and the Reading Police Department.

§10-1711. CONSTRUCTION AND SEVERABILITY

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Council of the City of Reading that such remainder shall remain in full force.

§10-1712. PENALTY

Any person violating any provision of this Ordinance or of the regulations promulgated hereunder, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of not more than Five Hundred Dollars (\$500.00) for each and every offence, to be collected as other fines and costs are by law collectible, or shall be imprisoned for not more than ninety (90) days or both. Each day during which the person violated any provision of this Ordinance shall constitute a separate offense.

Institution of a prosecution for the imposition of the foregoing penalty shall not be construed to limit or deny the right of the City to such equitable or other remedies as may be allowed by law.

RESOLUTION NO. _____

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

That Joseph P. Kuzminski is appointed to the Reading Area Water
Authority, with a term ending January 1, 2012.

Adopted by Council _____, 2007

Vaughn D. Spencer
President of Council

Attest:

Linda A. Kelleher
City Clerk

RESOLUTION NO. _____

WHEREAS, the Buttonwood Gateway Industrial Project has changed from a real estate speculative project to a user project, with Hydrojet and Sunrich Foods agreeing to construct industrial plants on lands that they will own; and

WHEREAS, such changes are in the interest of the City of Reading by increasing the value of the properties from \$1.75 million dollars to \$6.8 million dollars, providing numerous job opportunities for City residents, and increasing future tax yields to the City; and

WHEREAS, to effectuate the purchase of machinery and equipment and related costs for Hydrojet and Sunrich Foods it will be necessary to transfer Section 108 funds from Our City Reading, Inc. / Buttonwood Gateway, LLC, to Hydrojet and Sunrich Foods; and

WHEREAS, the United States Department of Housing and Urban Development has approved such transfers,

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

1. The transfer of \$2.1 million of Section 108 funds from Our City Reading, Inc. to Sunrich Foods be, and hereby is, approved;
2. The transfer of \$1.285 million of Section 108 funds from Our City Reading, Inc. to Hydrojet be, and hereby is, approved; and
3. The Mayor of the City of Reading and the Community and Economic Development Manager be, and hereby are, authorized to execute all documents and carry out all procedures as required by the U. S. Department of Housing and Urban Development.

Adopted by Council _____, 2007

President of Council

Attest:

City Clerk

RESOLUTION NO. _____-2007

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

City voters approved a form of Home Rule government that provides District City Council to provide direct representation to every city neighborhood. District Councilors are held accountable by the neighborhoods they represent. City Councilors receive many calls from constituents to report problems, provide information and to inquire when a major police or fire incident occurs.

City Council, past and present, has repeatedly asked the Mayor and Administration to inform the President of Council and appropriate District Councilors when a major police or fire incident occurs. Although promises have been repeatedly made, the information requested is not being supplied.

Therefore, City Council hereby directs the Mayor and City Administration to contact the President of Council, or City Clerk if the President is unavailable, and the appropriate District Councilor within 2 hours of any major police and fire incident that occurs in the City of Reading.

Passed Council _____, 2007

President of Council

Attest:

City Clerk

(Councilor Marmarou)

RESOLUTION NO. _____-2007

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

That the Solicitor for the City of Reading or his designee is hereby authorized and directed to take all necessary and appropriate action required for the City of Reading to intervene in the matter of Brutto v. City of Reading Zoning Hearing Board, Docket No. 07-4321, an appeal of the April 11, 2007 Decision of the Zoning Hearing for the City of Reading regarding 290 Morgantown Road and 15 Prospect Avenue a/k/a Mimmo's Restaurant. The Solicitor for the City of Reading or his designee is hereby further directed and authorized to take all necessary action to represent the interest of the City of Reading as an intervening party in the aforesaid legal action.

Passed Council _____, 2007

President of Council

Attest:

City Clerk
(City Clerk/City Solicitor)

RESOLUTION NO. _____-2007

REQUESTING TRAFFIC ENGINEERING INSTALL STREET LIGHTING IN THE 400 BLOCK OF FUNSTON AVENUE.

WHEREAS, the 400 Block of Funston Avenue is without adequate street illumination, thereby imperiling the safety of the community; and

WHEREAS, through the reallocation of Community Development Block Grant Funds, adequate resources are now available to install new lighting throughout the City of Reading; and

WHEREAS, the 400 Block of Funston Avenue is an ideal candidate to receive new street lighting.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Requesting Traffic Engineering determine an appropriate location in the 400 block of Funston Avenue to install street lighting. Council asks the Administration to take any and all steps necessary to provide for the safety of the citizens of Reading.

Passed Council _____, 2007

President of Council

Attest:

City Clerk
(S.Fuhs)